

आयकर अपीलीय अधिकरण, सूरत न्यायपीठ, सूरत
IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER AND
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER
आयकर अपील सं./**ITA No. 1291/SRT/2024** (AY 2017-18)
(Hybrid hearing)

Bhojalram Urban Co-Op. Credit Society Ltd. 3 Shwet Rajhans Shopping Centre, Khodiyar Nagar, Varachha Road, Surat-395 006 [PAN : AAAAB 1848 A]	बनाम Vs	Income Tax Officer, Ward-3(3)(1) Surat, Room No.418, 4 th Floor, Aayakar Bhawan, Near Majura Gate, Opp. New Civil Hospital, Surat- 395 001
अपीलार्थी/Appellant		प्रत्यर्थी /Respondent

निर्धारिती की ओर से /Assessee by	Shri Sapnesh R Sheth, CA
राजस्व की ओर से /Revenue by	Shri Ajay Uke– Sr-DR
सुनवाई की तारीख/Date of hearing	24.07.2025
उद्घोषणा की तारीख/Date of pronouncement	08.08.2025

Order under section 254(1) of Income Tax Act

PER DINESH MOHAN SINHA, JUDICIAL MEMBER:

1. This appeal by assessee is directed against the order of National Faceless Appeal Centre, Delhi [for short, "NFAC)/Ld. CIT(A)"] dated 15.12.2022 for the assessment year 2017-18, which in turn arises out of an order passed by the Assessing Officer under section 143(3) of Income Tax Act, 1961 ('the Act') on 14.11.2019. The assessee has raised the following grounds of appeal:-

"1. On the facts and circumstances of the case as well as law on the subject, the Commissioner of Income Tax(A), NFAC has erred in confirming the action of AO in adding interest income of Rs.15,494/- received from the deposits from investment made by it with IST Bank by observing that the same is not allowable u/s 80P of the I. T. Act, 1961 by passing corrigendum order although said disallowance was not made in the original assessment order.

2. On the facts and circumstances of the case as well as law on the subject, the Commissioner of Income Tax (A) NFAC has erred in confirming the action

of Assessing Officer in disallowing of bad debt reserve of Rs.7,00,000/- bypassing corrigendum order although said disallowance was not made in the original assessment order.

3. It is therefore prayed that the above made by Assessing Officer and confirmed by Commissioner of Income-tax (A0ppeals) may please be deleted.

4. Appellant craves leave to add, alter or delete any ground(s) either before or in the course of hearing of the appeal"

3. At the outset, that the appeal filed late by 421 days. The Ld. AR of the assessee has filed an application for condonation of delay, supported by affidavit. The crux of the application lot delay is as under:

"2. In this regard, it is submitted that the NFAC, Delhi has passed order on 15.12.2022 and but physical copy of the order passed in not received by us & was found later that the order was sent on email shreebhojalram@barvaliya.in. It is further submitted that above email id is of the counsel who has taken the domain address for getting the communication from income tax department. However, his staff did not check the messages on the domain regularly. We came to know about the above order being passed by NFAC, Delhi when we asked counsel regarding the status of our pending appeal. My counsel immediately checked the income tax portal and came to know that order has already been passed in our case and demand has been generated. He downloaded the order immediately & informed us to file appeal against the same at the earliest. Hence, this appeal is immediately filed before Honourable Tribunal. My counsel advised us to file appeal with request for condonation of delay considering above bona fide facts.

3. We apologize for default on cur part & reque.it your kind & respectful honour to condone the delay in filing of appeal as the same is caused purely due to above bona fide reasons & we do not have any intention in disregarding the provisions of the statute. Therefore, it is kindly requested that, the delay in filing appeal may be condoned. "

4. We have considered the submission? made by Ld. AR on behalf of assessee and in absence of any contrary or material on record, the assessee is found to have a "sufficient cause" for delay in filing present appeal as narrated above in foregoing para. We find that section 253(5) of the Act empowers the ITAT to admit an appeal after expiry of prescribed time, if there is a "sufficient cause" for not presenting appeal within prescribed time. It is also a settled position by Hon'ble Supreme Court in Collector, Land Acquisition Vs Mst. Katiji and ethers 1987 AIR 1353, 1987 2 SCC 387

that whenever substantial justice and technical considerations are opposed to each other, the cause of substantial justice must be preferred by adopting a justice-oriented approach. Thus, taking into account the provision of section 253(5) and the decision of Hon'ble Supreme Court, we take a judicious view and condone delay in this appeal. At the same time, as agreed by both sides and also having regard to the principle of natural justice and fair play, we deem it fit to give one more opportunity to assesses so that the assessee can represent his case before AO for a proper adjudication. Accordingly, we remand this matter back to the file of AO for a fresh adjudication after giving opportunity of hearing to the assessee, uninfluenced by his earlier order in any manner. The assessee is also directed to ensure participation in the hearings as may be fixed by AO and do not seek unnecessary adjournments failing which the AO shall be at liberty to pass appropriate order in accordance with law.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in under proviso to Rule 34 of the ITAT Rules, 1963 on 08/08/2025.

Sd/-
(BIJAYANANDA PRUSETH)
लेखा सदस्य/Accountant Member

Sd/-
(DINESH MOHAN SINHA)
न्यायिक सदस्य/Judicial Member

सूरत / Surat Dated: 08/08/2025

Dkp Outsourcing Sr.P.S*

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

- अपीलार्थी/ The Appellant
- प्रत्यर्थी/ The Respondent
- आयकर आयुक्त/ CIT
- विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, सूरत/ DR, ITAT, SURAT
- गार्ड फाईल/ Guard File

By order/आदेश से,

// True Copy //

सहायक पंजीकार
आयकर अपीलीय अधिकरण, सूरत