

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई
**IN THE INCOME TAX APPELLATE TRIBUNAL
'D' BENCH, CHENNAI**

श्री जॉर्ज जॉर्ज के, उपाध्यक्ष एवं श्री एस.आर.रघुनाथा, लेखा सदस्य के समक्ष
**BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT AND
SHRI S.R. RAGHUNATHA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.:1555/Chny/2025
निर्धारण वर्ष / Assessment Year: 2018-19

Alternative for India Development, No. 1, VGN Nagar, Iyyappanthangal, Kattupakkam Post, Chennai – 600 056.	vs.	Income Tax Officer, Exemption Ward -4, Chennai.
[PAN:AAATA-4184-H] (अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri. K.Viswa Padmanabhan, CA.
प्रत्यर्थी की ओर से/Respondent by : Shri. P.K. Senthil Kumar, Addl.CIT.

सुनवाई की तारीख/Date of Hearing : 15.07.2025
घोषणा की तारीख/Date of Pronouncement : 12.09.2025

आदेश / O R D E R

PER S. R. RAGHUNATHA, AM :

This appeal by the assessee is filed against the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, for the assessment year 2018-19, vide order dated 08.04.2025.

2. Brief facts of the case are that the assessee is a charitable trust dedicated for the eradication of poverty with prime focus in the state of Jharkand and also operating pan India which majorly includes Tamilnadu. The assessee is registered u/s.12A(a) of the Act w.e.f 23.12.1986. The assessee filed its return of income for the A.Y.2018-19, on 12.09.2018, admitting a total income of Rs.NIL after claiming exemption u/s.11(1) of the Act towards the income utilised

for charitable or religious purposes amounting to Rs.1,69,43,050/-. The case was selected for scrutiny assessment and issued statutory notices from time to time. However, assessee filed only few documents and information to the AO during the assessment proceedings. Later, the AO issued a show cause notice along with draft assessment order dated 31.05.2021 proposing to disallow the following for want of cogent evidence:

- Grant from companies under CSR Rs.94,76,902/-
- Corpus donation made to other trusts / persons Rs. 7,65,617/-
- Income from other sources Rs.26,46,226/-

However, the assessee failed to file any further details before the AO and hence the AO passed an order u/s.143(3) r.w.s.144B of the Act dated 30.08.2021 by making an addition of the above stated amounts of Rs.1,28,88,754/-.

3. Aggrieved by the order of the Assessing Officer, the assessee filed an appeal before the Id.CIT (A), NFAC, Delhi.

4. At the outset, the Id.CIT(A) found that there is a delay of 874 days in appeal filed by the assessee on 20.02.2024 against the order u/s.143(3) of the Act dated 30.08.2021. Before the Id.CIT(A), the assessee filed the condonation of delay petition stating that the statutory notices issued by the AO had not been received by the assessee and also the order passed u/s.143(3) of the Act dated 30.08.2021. The assessee became aware of the order passed only after attachment of the bank account of the trust on 13.02.2024. The assessee immediately took steps to file an appeal against the order of the AO and filed the same on 20.02.2024 and prayed for condonation of delay. The Id.CIT(A) after considering the exclusion of COVID-19 as directed by the Hon'ble Supreme Court found that still there is a delay of 632 days beyond the extended limitation period of 30.05.2022. Therefore, the Id.CIT(A) dismissed appeal of the assessee by rejecting the condonation petition for delay in filing of the assessee without adjudicating the case on merits.

5. Aggrieved by the order of Id.CIT(A), the assessee has filed an appeal before us.

6. The Id.AR submitted that the assessee is a registered public charitable trust in carrying out bonafide charitable activities for the benefit of general public and the denial of exemption solely on procedural grounds defeats the purpose of the beneficial provisions u/s.11 & 12 of the Act. Further, the Id.AR stated that the appeal was not prosecuted before the Id.CIT(A) as the same has been dismissed without condoning the delay in filing the appeal and also the assessment order was passed u/s.143(3) of the Act by the AO without the complete participation of the assessee while making an addition of Rs.1.28 Crores. Therefore, Id.AR prayed for one more opportunity may be provided to the assessee to represent his case before the AO in the interest of natural justice. Further, the Id.AR assured the bench that he will undertake to represent on behalf of the assessee before the AO, in case one more opportunity is provided.

7. Per contra, the Id.DR submitted that the assessee is negligent in responding to the notices of the department and filed the appeal before the Id.CIT(A) with a delay of 874 days and hence prayed for confirming the order of the Id.CIT(A).

8. We have heard rival contentions and noticed that the Id.CIT(A) has passed an order by not condoning the delay in filing the appeal by 874 days before the first appellate proceedings. We note that the assessee had filed the appeal before the Id.CIT(A) belatedly due to non receipt of notices and order of the AO and became aware of the order only after attachment of the bank account of the trust. Hence, in the interest of justice, we are of the considered view that the assessee needs to be given one more opportunity before the AO

as assessee had not filed the complete details during the assessment proceedings.

9. In the present facts and circumstances of the case and to meet the ends of justice, we are deeming it fit to provide one more opportunity to the assessee and hence we set aside the order of the Id.CIT(A) by condoning the delay in filing the appeal before the first appellate authority and remit the matter back to the file to AO to frame the assessment denovo in accordance to law, after providing reasonable opportunity to the assessee. Needless to say, assessee to be diligent and file written submissions and relevant documents if advised so.

10. In the result, appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the court on 12th September, 2025 at Chennai.

Sd/-
(जॉर्ज जॉर्ज के)
(GEORGE GEORGE K)
उपाध्यक्ष /VICE PRESIDENT

Sd/-
(एस. आर. रघुनाथा)
(S. R. RAGHUNATHA)
लेखा सदस्य/ACCOUNTANT MEMBER

चेन्नई/Chennai,
दिनांक/Dated, the 12th September, 2025
jk

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT- Chennai/Coimbatore/Madurai/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF