

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री एस. आर. रघुनाथ लेखासदस्य के समक्ष
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND
SHRI S.R.RAGHUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.:1057/Chny/2025
निर्धारण वर्ष / Assessment Year: 2013-14

Rengarajan Vivesh, Flat No.11, Door No.62, Akshaya Homes, Gurusamy Street, Nolambur, Chennai-600 058.	vs.	The Income Tax Officer, Corporate Ward-2(2) Chennai.
[PAN: AADPV-3688-E] (अपीलकर्ता/Appellant)		(प्रत्यर्थी/Respondent)

अपीलकर्ता की ओर से/Appellant by : Shri. R.S. Hitesh, Advocate
प्रत्यर्थी की ओर से/Respondent by : Ms. Gouthami Manivasagam, J.C.I.T.

सुनवाई की तारीख/Date of Hearing : 24.06.2025
घोषणाकी तारीख/Date of Pronouncement : 22.08.2025

आदेश /ORDER

PER S. R. RAGHUNATHA, AM :

This appeal of the assessee is filed against the order of the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, for the assessment year 2013-14, vide order dated 18.12.2023.

2. At the outset, we find that there is a delay of 411 days in appeal filed by the assessee, for which the assessee has filed affidavit stating the reasons for delay, wherein, it is submitted that the assessee was unaware of the receipt of the order of the Id.CIT(A) dated 18.12.2023 since he was not checking emails regularly and also the assessee had not received any real time alerts from the department for having uploaded

the order. Only when he was aware of the order of the Id. CIT(A) in the first week of February 2025, approached a CA and immediately initiated for filing of appeal. After considering the Affidavit filed by the assessee and also hearing both the parties, we find that there is a reasonable cause for the assessee in not filing appeal on or before the due date prescribed under the law and thus, in the interests of justice, we condone delay in filing of appeal and admit the appeal filed by the assessee for adjudication.

3. Brief facts of the case are that the assessee is an individual and director of M/s. Fine Metal Stamping Pvt. Ltd., filed his return of income on 20.07.2017 for the AY 2013-14 declaring a total income of Rs.7,30,270/- after claiming deduction of Rs.92,625/- under Chapter VI-A of the Act. The return has been filed beyond the time limit u/s.139(1) or 139(4) and hence the return of income is Non-est in law. As per the information available with the department, the assessee had received interest income of Rs.1,72,979/-, contract payments of Rs.4,29,74,519/- and also has made a cash deposit of Rs.34,00,000/- into his bank account during the assessment year 2013-14. The assessee had failed to declare these transactions, the notice u/s.148 was issued and the case has been re-opened u/s.147 of the Act. Since, the assessee did not participate in the assessment proceedings by not responding to the statutory notices, the AO made an addition of Rs.34,00,000/- as unexplained money u/s.69A r.w.s.115BBE of the Act and business income @ 8%(Rs.34,37,961/-) on contract receipts of Rs.4,29,74,519/- u/s.194C of the Act, based on the material evidence available on records by passing an order u/s.144 of the Act dated 22.03.2022.

4. Aggrieved by the order of the AO, the assessee preferred an appeal before the Id.CIT(A), NFAC.

5. At the outset, we observed that Id.CIT(A) has provided five opportunities for the assessee to appear for hearings as detailed in paragraph 3 of the Id.CIT(A) order to support the appeal of the assessee. However, the assessee chose to be silent and did not respond to any of the notices and hence, the Id.CIT(A), NFAC dismissed the assessee's appeal as deficient by confirming the order of the AO by passing an order dated 18.12.2023. The Id.AR submitted that the assessee had not regularly checked the income tax portal and his email and hence he was not aware of the notices issued by the Id.CIT(A) and hence he could not appear both before the AO as well as the Id.CIT(A). In view of the above, the Id.AR prayed for one more opportunity before the AO, since the exparte order has been passed by the AO u/s.144 of the Act. Further, Id.AR assured the bench that the Id.AR will represent on behalf of the assessee before the AO to complete the assessment proceedings effectively.

6. Per contra, the Id.DR submitted that both the Assessing Officer and the Id.CIT(A) provided sufficient opportunity to appear before them. However, the assessee has been negligent in responding to the statutory notices and hence, prayed for confirming the order of the Id.CIT(A).

7. We have heard the rival parties and perused the material available on record and gone through the orders of the lower authorities. We note that the AO has passed an exparte order by considering the information available with the department and the same has been dismissed by the Id.CIT(A) - NFAC due to non-participation of the assessee before the first appellate authority.

8. In view of the above and to meet the ends of justice we set aside the order of Id.CIT(A) and remit the matter back to the file of AO and direct the AO to denovo frame the assessment order in accordance to law, after providing reasonable opportunity to

the assessee. Needless to say, the assessee to be diligent and file written submissions and relevant documents if advised so.

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

Order pronounced in the court on 22nd August, 2025 at Chennai.

Sd/-
(मनु कुमार गिरि)
(MANU KUMAR GIRI)
न्यायिक सदस्य/**Judicial Member**

Sd/-
(एस. आर. रघुनाथा)
(S.R.RAGHUNATHA)
लेखासदस्य/**Accountant Member**

चेन्नई/Chennai,

दिनांक/Dated, the 22nd August, 2025

jk

आदेश की प्रतिलिपि □ ग्रेषित/Copy to:

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