

आयकर अपीलीय अधिकरण
IN THE INCOME TAX APPELLATE TRIBUNAL
VISAKHAPATNAM BENCH AT HYDERABAD
(Through Virtual Hearing)

श्री विजय पाल राव, उपाध्यक्ष एवं
श्री मधुसूदन सावडिया, लेखा सदस्य के समक्ष ।
BEFORE SHRI VIJAY PAL RAO, VICE PRESIDENT AND
SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER

आ.अपी.सं / **ITA No.350/VIZ/2025**
(निर्धारण वर्ष / Assessment Year: 2018-19)

Shri Sunil Kumar Pejjai, Guntur. PAN:AIWPP4666M (Appellant)	Vs.	Income Tax Officer, Ward-2(1), Guntur. (Respondent)
निर्धारिती द्वारा / Assessee by:	Shri I. Kama Sastry, C.A.	
राजस्व द्वारा / Revenue by:	Shri Badicala Yadagiri, CIT-DR	
सुनवाई की तारीख / Date of hearing:	11/09/2025	
घोषणा की तारीख / Pronouncement:	19/09/2025	

आदेश/ORDER

PER MADHUSUDAN SAWDIA, A.M. :

This appeal is filed by Shri Sunil Kumar Pejjai (“the assessee”), feeling aggrieved by the order passed by the Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (“Ld. CIT(A)”), dated 09.01.2025 for the A.Y. 2018-19.

2. At the outset, it is noted that there is a delay of 59 days in filing of the present appeal before this Tribunal. The assessee has filed a petition for condonation of delay along with an affidavit explaining the reasons. The explanation of the assessee is that on the Income Tax portal, the mobile number and e-mail ID of his earlier consultant were registered. That consultant had left the place and his contact number also got changed. Consequently, the assessee could not come to know about the proceedings before the Ld. CIT(A) and the passing of the appellate order. It has been explained that the assessee came to know about the order of the Ld. CIT(A) only when summons was received from the Income Tax Department on 02.05.2025. Immediately thereafter, the assessee took steps to file the present appeal, which was filed on 29.05.2025. It has been stated that there was no deliberate or intentional delay. Accordingly, the Ld. AR prayed before the bench for condonation of delay in filing of the appeal and admission of the same for adjudication.

3. Per contra, the Learned Departmental Representative (“Ld. DR”) opposed the condonation. He submitted that the assessee has been consistently non-compliant i.e. first, by not filing return of income despite huge cash deposits; second, by not responding to notices before the Ld. AO; third, by not prosecuting the appeal before the Ld. CIT(A); and now, by filing this appeal belatedly. He contended that the conduct of the assessee does not merit indulgence and the delay should not be condoned.

4. We have considered rival submissions and perused the material available on record. It is not in dispute that there is a delay of 59 days in filing the appeal. The assessee has explained that he could not receive notices or order of the Ld. CIT(A) due to non-updated mobile number and e-mail ID of his earlier consultant on the portal. As soon as he came to know of the order on 02.05.2025, immediate steps were taken and the appeal was filed on 29.05.2025. Further, we find that the Hon’ble Supreme Court, in the case of Vidya Shankar Jaiswal vs. The Income Tax Officer, Ward-2, Ambikapur in

Special Leave Petition (Civil) Nos. 26310-26311/2024, dated 31st January, 2025, has held that a justice-oriented and liberal approach should be taken while dealing with the application filed by an appellant seeking condonation of the delay in filing of the appeal. Accordingly, taking a judicial and liberal approach, we condone the delay of 59 days in filing the appeal and admit the same for adjudication on merits.

5. The assessee has raised the following grounds of appeal :

1	The CIT(Appeals), National Faceless Appeal Centre is not justified in confirming the additions made by the Assessing Officer, for non prosecution by the assessee without deciding the issue on merits.
2	The reopening of assessment is invalid AMD bad in law as the order under section 148A(d) dated 07.04.2022 AMD notice under section 148 dated 08.04.2022 are passed/issued respectively with the previous approval of Pr. Commissioner of Income-tax, Vijayawada dated 07.04.2022 as against the mandate of section 151 which requires the approval to be Pr. CCIT OR CCIT if three years OR more elapsed from the end of the relevant assessment year.Ground
3	The reopening of assessment is invalid AMD bad in law as the copy of the approval of the specified authority has not been furnished to the assesseeGround
4	The reopening of assessment is invalid AMD bad in law as the notice under section 148 is issued with the prior approval of Pr. CIT, Vijayawada dated 07.04.2022 WHARE as no such approval is needed when the notice is issued on OR after 01.04.2022.Ground

5	The reopening of assessment is invalid AMD bad in law AMD consequently the entire assessment is null AMD void as the notice under section 148 is issued by the Income-tax Officer, Ward-2(1), Guntur (JAO) instead of the Assessment Unit, National Faceless Assessment Centre as mandated by the scheme framed for assessment of income escaping assessment vide notification dated 29.03.2022 under section 151A.Ground
6	The Assessment Unit, National Faceless Assessment Centre is not justified in treating total cash deposits into bank amounting to Rs.15,11,69,800/- as unexplained income under section 69A.Ground
7	The Assessment Unit, National Faceless Assessment Centre is not justified in treating the cash withdrawals from bank amounting to Rs.15,95,000/- as income from other sourcesGround
8	All the above grounds of appeal are mutually exclusive AMD without prejudice to one another.Ground
9	The appellant craves leave to add to; alter; amend; OR DLEETE all OR any of the above grounds of appealGround

6. The brief facts of the case are that, the assessee had filed an appeal before the Ld. CIT(A) against the reassessment order passed by the Learned Assessing Officer (“Ld. AO”) under section 147 read with section 144 and section 144B of the Income Tax Act, 1961 (“the Act”) for A.Y. 2018–19 on 19.02.2024. During the appellate proceedings before the Ld. CIT(A), the assessee did not make any compliance to the notices issued. Consequently, the Ld. CIT(A) dismissed the appeal ex parte.

7. Aggrieved with the order of Ld. CIT(A), the assessee is now in appeal before this Tribunal. The solitary submission of the Ld. AR

was that the matter may be remanded back to the file of the Ld. CIT(A) for fresh adjudication on merits. He submitted that the assessee could not respond to the notices of the Ld. CIT(A) due to bona fide reasons. As already explained the reasons for delay in filing the appeal before this Tribunal, the assessee was not aware of the notices issued and hence could not prosecute the appeal before the Ld. CIT(A). He contended that no benefit accrues to the assessee by non-prosecution and dismissal ex parte. Therefore, invoking the principles of natural justice, he prayed that the issue may be restored to the file of the Ld. CIT(A) to decide the appeal afresh on merits after giving the assessee an effective opportunity.

8. Per contra, the Ld. DR opposed the prayer for remand. He submitted that the assessee did not cooperate either before the Ld. AO or before the Ld. CIT(A), and now seeks a fresh opportunity without justification. He further submitted that there was even a delay in filing of the present appeal before the Tribunal, which also

reflects the conduct of the assessee. Hence, according to the Ld. DR, no further indulgence should be granted.

9. We have carefully considered the rival submissions and perused the material available on record. It is undisputed that the appeal before the Ld. CIT(A) was dismissed ex parte on account of non-compliance by the assessee. While the conduct of the assessee in not responding to notices cannot be condoned lightly, at the same time, it is a settled position that a litigant should not be denied a hearing on merits merely on account of non-appearance, provided he is willing to prosecute the matter further. The principles of natural justice demand that the assessee be given one final opportunity to substantiate his claim. We therefore deem it fit to restore the matter to the file of the Ld. CIT(A) with the directions that, the Ld. CIT(A) shall decide the appeal afresh on merits, after giving adequate opportunity of being heard to the assessee. The assessee is also directed to file all necessary evidence, explanations, and submissions in support of his claim without seeking any unnecessary adjournments and to cooperate fully with the appellate proceedings.

Accordingly, we set aside the impugned order of the Ld. CIT(A) and restore the appeal to his file for fresh adjudication.

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

Order pronounced in the open Court on 19th Sept., 2025.

**Sd/-
(VIJAY PAL RAO)
VICE PRESIDENT**

**Sd/-
(MADHUSUDAN SAWDIA)
ACCOUNTANT MEMBER**

Hyderabad.

Dated: 19.09.2025.

** Reddy gp*

Copy of the Order forwarded to :

1.	Shri Sunil Kumar Pejjai, 3-458, Pandaripuram, 9 th Lane, Chilakaluripeta-522 616, Guntur District, A.P.
2.	The ITO, Ward 2(1), Guntur.
3.	Pr.CIT, Vijayawada.
4.	DR, ITAT, Hyderabad.
5.	Guard file.

BY ORDER,