

आयकर अपीलिय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

BEFORE SHRI SS VISWANETHRA RAVI, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 1894/Chny/2025
(Assessment Year 2017-18)

Santhosh Kumar Ponnusamy, Sree Vari Roadways, 64/1-C1, L&T Bye Pass Road, Opp Sakthi Engineering College, Kulathur, Venkitapuram Post, Coimbatore-641062. PAN No. FYRPS 8460 N	Vs.	I.T.O., Non-corporate Ward 3(1), Race Course Road, Coimbatore-641018.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	Shri K.S. Mounish, CA
Department represented by	Ms. Sandhya Rani Kure, JCIT.
Date of hearing	16/09/2025
Date of pronouncement	26/09/2025

PER: RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER:

1. This appeal by the assessee is directed against the order of National Faceless Appeal Centre, Delhi (NFAC)/learned Commissioner of Income Tax (Appeals) [in short, the Id. CIT(A)] dated 18/12/2024 for the Assessment Year (AY) 2017-18 as per ground of appeal on record.
2. At the outset of hearing, we found from perusal of record that there is delay of 124 days in filing this appeal before this Tribunal for which, the assessee has filed an application for condonation of delay in the form of affidavit mentioning the fact that on 26/06/2025, the assessee received a phone call from the jurisdictional Income Tax Officer regarding pending tax arrears and order passed under Section 250 of the Income Tax Act, 1961 (in short, the Act). After

receiving such information/intimation, the assessee aware of filing of the appeal before the Tribunal and after collecting the documents, the assessee filed this appeal before this Tribunal. The assessee stated that the delay is not intentional and deliberate, the same was due to situation beyond his control. He has good case on merit and is likely to succeed, if one more opportunity is provided to the assessee. The assessee prayed to condone the delay and admit the appeal for hearing.

3. On the other hand, the Id. Sr.DR for the revenue on the application of condonation of delay, submitted that the Bench may take appropriate view as per law.
4. We have considered the rival submissions. On the issue of condonation of delay, we find that when the assessee received phone call from the jurisdictional ITO on 26/06/2025 regarding payment of arrears of tax and thereafter just within a week, he filed the present appeal before the Tribunal, which shows that the assessee has no deliberate intention in filing the appeal before the Tribunal so late. Thus, we condone the delay of 124 days in filing this appeal before the Tribunal and admit the same for hearing.
5. On merit of the case, the brief facts of the case are that an information was received by the Assessing Officer that the assessee had made a cash deposit of Rs. 28,18,200/- during demonetization period in his bank account. Further the information also revealed that there was a total credit of Rs. 2,84,46,810/- during the assessment year under consideration in the current accounts maintained by the assessee in the bank. The Assessing Officer issued notice

under Section 142(1) and subsequent notices calling for various details, documents and evidences to explain the source of deposit. The Assessing Officer, therefore, assessed the income under Section 144 of the Act on a total income of Rs. 48,68,289/-.

6. Aggrieved by the order of Assessing Officer, the assessee filed appeal before the Id. CIT(A), who vide his impugned order, dismissed the appeal of the assessee on the ground that the assessee did not comply to any notice issued by the Id. CIT(A) nor any evidence/submissions was ever made before the Id. CIT(A).
7. Further aggrieved by the order of Id. CIT(A), the present appeal has been filed by the assessee before this Tribunal.
8. During the appellate proceedings before us, it was submitted by the Id. AR before the Bench that "after the initial filing of appeal with the CIT(A), NFAC, there was a frequent change in my accountants. The communication details were available with the previous accountant, with whom the assessee does not have any communication. As a result, the assessee was unable to obtain timely updates regarding the proceedings, which contributed to the lack of awareness about the proceedings. Correspondingly, the appeal proceedings were going and show cause notice for hearing was issued on various dates like 30/08/2024, 19/09/2024, 17/10/2024, 11/11/2024 and 11/12/2024 by the CIT(A), NFAC. The hearing notices were issued after four years. So the assessee was unaware of the hearing notices. The CIT(A) passed an order under Section 250 of the Act and the assessee was also unaware that an order under Section 250 of the Act has been passed on 18/12/2024. The assessee got to know about all these

proceedings only after he received a phone call from the Jurisdictional ITO regarding pending tax arrears and order passed under Section 250 of the Act. Only after such intimation, the assessee became aware of the existence of such order.

9. The Id. Sr.DR, on the other hand, supported the orders of the lower authorities.
10. We have considered the rival submissions, we find it proper to restore the issue back to the file of Assessing Officer for fresh adjudication with the undertaking of the Id.AR of the assessee that they will make necessary compliance before the Assessing Officer and provide all necessary documents to substantiate the transactions on record. In the result, the grounds of appeal raised by the assessee are allowed for statistical purposes only.
11. In the result, this appeal of assessee is allowed for statistical purposes.

Order pronounced in the open court on 26/09/2025.

Sd/-
(SS VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

Chennai, Dated: 26/09/2025

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Chennai