



**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH "SMC", JABALPUR**

BEFORE SHRI KUL BHARAT, VICE PRESIDENT

ITA No. 180/JAB/2024
Assessment Year: 2019-20

Ram Lakhan Dwivedi 139, Rohaniya Khurd, Pakaria, Distt-Maihar-485773.	v.	Income Tax Officer Ward-1, Satna Income Tax Office, Civil Lines Chowk, Satna- 485001.
PAN:EXMPD6359C		
(Appellant)		(Respondent)

Appellant by:	Ms. Apoorva Garg, CA Shri KNG Pillai, Advocate
Respondent by:	Shri N. M. Prasad , Sr. DR-1
Date of hearing:	17 09 2025
Date of pronouncement:	18 09 2025

ORDER

PER KUL BHARAT, VICE PRESIDENT.:

This appeal, by the assessee, is directed against the order of the Learned Commissioner of Income-tax (Appeals)/National Faceless Appeal Centre (NFAC), Delhi dated 04.11.2024 pertaining to the assessment year 2019-20. The assessee has raised the following grounds of appeal: -

"1. On the facts and in the circumstances of the case, the order of the Id. CIT(A) (NFAC) in Appeal No. NFAC/2018-19/10394113 dated 04/11/2024 refusing to condone the delay in filing appeal and dismissing the appeal as inadmissible is unjustified, unwarranted and against the principles of natural justice.

2. On the facts and in the peculiar circumstances of the case, the id. CIT(A) failed to appreciate that the delay in filing the appeal was bona fide and that the appellant was not benefitted from filing the appeal late.

3. On the facts and in the circumstances of the case, the id. CIT(A) ought to have considered the facts of the case in its entirety, and condoned the delay in filing the appeal and decided the case on merits.

4. On the facts and in the circumstances of the case, the assessment order under sec. 147 read with sec. 144 of the Income-tax Act, 1961 dated 21/03/2024 determining the total income at Rs. 7,24,417/is unjustified, arbitrary, ab initio void, without jurisdiction and against the principles of natural justice.

5. *On the facts and in the circumstances of the case, the addition of Rs. 7,24,4127/- as unexplained money under sec. 69A of the Income-tax Act, 1961 and taxing the same under sec. 115BBE of the Act is uncalled for, unwarranted, most arbitrary, and against the principles of natural justice and the same deserves to be deleted in toto.*

6. *On the facts and in the circumstances of the case, the finding recorded by the Id. Assessing Officer is contrary to the facts and therefore, the addition of Rs. 7,24,417 being contrary to facts deserves to be deleted in toto.*

7. *On the facts and in the circumstances of the case, the initiation of penalty proceedings and subsequent levy of penalty under sec. 271AAC of the Act deserves to be vacated.*

8. *On the facts and in the circumstances of the case, the interest charged under sec. 234A at Rs. 2,59,900/-; under sec. 234B at Rs. 3,39,000/- is unjustified, unwarranted, excessive and the same requires to be modified in accordance with law.*

9. *The appellant craves to add, alter or modify any ground of appeal at the time of hearing.”*

2. Briefly stated facts are that the case of the assessee was reopened u/s 147 of the Income Tax Act, 1961 (hereinafter referred as to “Act”). It is observed by the Assessing Officer that the assessee is an individual and had not filed his return of income for the year under appeal. Later on, an information was received that the assessee had made investment with the Indian Bank in the form of term deposit amount to Rs.14,00,000/-. Thereafter, a notice u/s 148 of the Act was issued on 13.03.2023 but the said notice was returned to the Assessing Authority with postal remark ‘*Refuse to receive*’. Therefore, the Assessing Authority proceeded to make assessment. The Assessing Authority made inquiry from the bank, it was received that during the year the assessee had made only term deposit to the extent of Rs.7,00,000/-. Thus, the total sum of Rs.7,24,417/- was treated as unexplained investment and added to the income of the assessee *ex parte* to the assessee. Aggrieved by this, the assessee preferred appeal before the Ld. CIT(A) who dismissed the appeal on the ground of the delay. Aggrieved against this, the assessee is in appeal before this Tribunal.

3. Apropos to the grounds of appeal, the Ld. Counsel for the assessee contended that the notices were not received by the assessee and even the assessment order was not received. Therefore, for the '*reasonable cause*', there was delay in filing of the appeal before the Ld. CIT(A). It was further contended that the investment were made out of explained sources as the amount was received from the State Government upon the acquisition of the land. Therefore, the impugned addition deserves to be deleted.

4. On the other hand, the Ld. Departmental Representative (DR) opposed the submissions and supported the orders of the lower authorities. He contended that the assessee did not prove the '*reasonable cause*' for delay in filing the appeal before the Ld. CIT(A). Therefore the Ld. CIT(A) was justified in dismissing the appeal of the assessee purely on the ground of the limitation.

5. I have heard the Ld. Representatives of the parties and perused the material available on record. It is the case of the assessee that the notices were not received. Further, the investment made in the bank account in the form of term deposit was out of the consideration received by the assessee on account of compulsory acquisition of land. Looking to the facts of the present case, I am of the view that the Ld. CIT(A) ought to have condoned the delay, I hold accordingly. Further, it is noticed that the assessee before the Ld. CIT(A) has taken a specific ground of not providing adequate opportunity to the assessee. Therefore, considering the facts, I hereby set aside the impugned assessment order and restore the assessment to the file of the Assessing Officer for making *de novo* assessment after giving adequate opportunity of being heard to the assessee. Grounds raised in this appeal are allowed for statistical purpose.

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

Order pronounced in the open Court on 18/09/2025.

Sd/-
[KUL BHARAT]
VICE PRESIDENT

DATED: 18/09/2025

Vijay Pal Singh, (Sr. PS)

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT (Judicial)
4. The PCIT
5. DR, ITAT, Jabalpur
6. Guard File

By order

// True Copy//

Assistant Registrar
ITAT, Jabalpur