

**IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH : BANGALORE**

**BEFORE SHRI PRASHANT MAHARISHI, VICE – PRESIDENT  
AND  
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

**ITA Nos. 1088 & 1089/Bang/2025**

**Assessment Year : 2015-16**

Ms. Priyadarshini Ulaveesh Kasetty Patel, 3 <sup>rd</sup> Cross, Kuvempu Road, Ward No. 32, Shivamogga – 577 201. <b>PAN: DYCPP9095P</b>	<b>Vs.</b>	The Income Tax Officer, Ward – 2, Shivamogga.
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by	:	Shri Varun Bhat, CA
Revenue by	:	Shri Thamba Mahendra, JCIT-DR

Date of Hearing	:	23-07-2025
Date of Pronouncement	:	03-10-2025

**ORDER**

**PER SOUNDARARAJAN K., JUDICIAL MEMBER**

These are the appeals filed by the assessee challenging the separate orders of the NFAC, Delhi both dated 28/11/2024 in respect of the penalty orders passed u/s. 271D and 271E of the Act in respect of the A.Ys. 2015-16 and 2021-22.

**2.** The brief facts of the case are that the AO levied penalty u/s. 271D of the Act in respect of the A.Y. 2015-16 and penalty u/s. 271E in respect of the A.Y. 2021-22. Both the penalties were imposed for the reason that the assessee had received cash of Rs. 2 Lakhs during the year and paid Rs. 2 Lakhs by cash. In respect of the various notices issued before imposing penalty, the assessee had submitted that she got the amount from her

paternal uncle for her studies and job and therefore the amount received by cash from the close relatives could not be a reason to term the transaction as violation of section 269SS and consequently no penalty could be levied u/s. 271D of the Act.

**3.** Similarly, in respect of the penalty levied u/s. 271E of the Act, the assessee submitted that the said amount received from her paternal uncle was repaid after she got an employment and therefore this is also a payment made to her close relative and therefore the provision of section 269T would not be applicable to the facts of the case and hence the penalty u/s. 271E could not be levied. The AO confirmed the penalties. As against the said orders, the assessee filed an appeal before the Ld.CIT(A) and raised several grounds.

**4.** The assessee had not appeared before the Ld.CIT(A) in spite of four notices issued through the ITBA portal and therefore the Ld.CIT(A) had dismissed the appeal.

**5.** As against the said dismissal orders, the present appeals are being filed before this Tribunal.

**6.** The Ld.AR reiterated his contentions raised before the lower authorities and submitted that she was not able to appear before the Ld.CIT(A) since she had not regularly checked her email.

**7.** Before deciding the appeal, we find that the appeal has been filed with a delay of 98 days for which the assessee also enclosed a petition to condone the said delay and in the said application, the assessee submitted that she has no knowledge about the viewing of the orders through the portal and therefore the delay has been occurred. The assessee also submitted that after much deliberations, she found the present counsel and through him the appeals were made ready and finally the appeals were filed with a delay of 98 days and prayed to condone the said delays.

**8.** The assessee also filed a case law compilation and written submissions at the time of hearing and prayed to apply the judgments to the facts of the present case and prayed to allow the appeals filed by her.

**9.** We have considered the submissions made by the assessee as well as the fact that the disputed appeals relate to the levy of penalties u/s. 271D and 271E of the Act for the reason that the assessee had received cash of Rs. 2 Lakhs and repaid the amount by way of cash. It is the case of the assessee that the assessee had received the said amount from her paternal uncle to pursue her studies as well as for getting job. Considering the said fact, we are inclined to condone the said delay of 98 days and proceeded to decide the appeal on merits. At the outset, we find that the assessee had not properly represented the matter before the AO as well as before the Ld.CIT(A) and therefore the authorities had no occasion to consider the said arguments placed by the assessee. In such circumstances and to render substantial justice, we are inclined to set aside the orders of the Ld.CIT(A) and restore the appeals back to the file of the Ld.CIT(A) and directed the Ld.CIT(A) to decide the same on merits and in accordance with law and also based on the judgments relied on by the assessee in this regard. We also direct the Ld.CIT(A) to grant a reasonable opportunity of being heard to the assessee before passing the order on merits.

**10.** In the result, both the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the open court on 03<sup>rd</sup> October, 2025.

Sd/-  
(PRASHANT MAHARISHI)  
Vice – President

Sd/-  
(SOUNDARARAJAN K.)  
Judicial Member

Bangalore,  
Dated, the 03<sup>rd</sup> October, 2025.  
/MS /

Copy to:

1. Appellant
3. CIT
5. Guard file

2. Respondent
4. DR, ITAT, Bangalore
6. CIT(A)

By order

Assistant Registrar,  
ITAT, Bangalore