

**IN THE INCOME TAX APPELLATE TRIBUNAL
LUCKNOW 'A' BENCH, LUCKNOW**

**BEFORE SH. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER
AND
SH. NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA No.170/LKW/2019
A.Y. 2013-14

Uttar Pradesh Gramin Bank (Successor to erstwhile Allahabad U.P. Gramin Bank), Head Office, 2 nd & 3 rd Floor, NBCC Commercial Complex, Vardan Khand, Gomti Nagar Extension, Lucknow	vs.	DCIT-Range 1, Lucknow
PAN: AAAJU0568R		
(Appellant)		(Respondent)

Assessee by:	Sh. C. Naresh, FCA
Revenue by:	Sh. R.K. Agarwal, CIT DR
Date of hearing:	28.07.2025
Date of pronouncement:	16.10.2025

ORDER

PER NIKHIL CHOUDHARY, A.M.:

This is an appeal filed by the assessee against the orders of the ld. CIT(A)-Kanpur dated 20.03.2018 dismissing the appeals of the assessee filed against the orders of the ld. Assessing Officer under section 143(3) passed on 28.03.2016. The grounds of appeal are as under:-

"1. The Ld. CIT(Appeals) grossly erred by not providing sufficient opportunity and ensuring service of notice of hearing to appellant.

2. The Ld. CIT(Appeals) grossly erred by not deciding the appeal on merit and passing a non-speaking order without considering the merits of the grounds of appeal filed.

3. As the amount of income dispute is Rs. 13,40,43,899/(11,90,973+1,60,66,112+2,03,01,342+9,64,85,472) and the tax involved is very high and illegally imposed and collected. The ex parte order of Ld. CIT (II) appeal will cause irreparable financial loss to the appellant, if order not quashed."

2. It is observed that the appeal is delayed by 293 days. A condonation petition has been filed in which it has been submitted that the ld. CIT(A) had decided the appeal *ex parte* without ensuring the service of notice of hearing as all

the notices were sent by email to the email ID of the person who had filed the appeal, which resulted in non-compliance, as the same has never been received by the assessee. It was further submitted that the order had been delivered to the Banks taxation consultant, C.A. Rajesh Kushwaha for filing the appeal, but he fell seriously ill and was diagnosed with Malignancy in the lower jaw for which he had to be operated in Delhi in June and he resumed his work only in December, after completion of his treatment. This had resulted in non-filing of the appeal on time and it was accordingly prayed that the delay may kindly be condoned. Copies of Doctor's prescription and other medical records of the erstwhile counsel were filed in support of this condonation petition. After considering the submissions made by the assessee, we hereby condone the delay and admit the appeal for hearing.

3. The facts of the case are that the assessee filed a return of income for the year ended 31.03.2013, (as Allahabad U.P. Gramin Bank) declaring an income of Rs. 82,99,19,010/-. The case was assessed under section 143(3) and the following additions were made: -

Sr. No.	Particulars	Amount (Rs.)
1.	Disallowance u/s 14A read with Rule 8D(2)(iii)	11,90,973/-
2.	Disallowance u/s 36(1)(viiia)	1,60,66,112/-
3.	Deferred Tax Disallowance	2,03,01,342/-
	Total	3,75,58,427/-

4. Apart from this, the assessee had claimed a deduction of an amount of Rs. 9,64,85,472/- as, "amortization of premium paid on securities" which had already been offered to tax during A.Y. 2012-13 and was therefore to be deducted from the income of the current previous year, as it had already been offered for taxation earlier. However, this was not allowed by the ld. AO.

5. Aggrieved with this order of the ld. AO, the assessee went in appeal to the ld. CIT(A)-2, Kanpur. The ld. CIT(A) records that he issued notices on 3.03.2017 and 26.02.2018 through the ITBA network and which were also served on the email

address acctt.augb@gmail.com, that had been submitted by the assessee, while filing the appeal. However, the assessee had not responded to the notices and it had not filed any paper book or submission in support of the grounds of appeal. From the same, the Id. CIT(A) concluded that the assessee was not interested in pursuing the present appeal. He, therefore, decided to proceed with the appeal on the basis of the materials on record, but after consideration of the same, held that he had no reasons to differ with the stand taken by the Id. AO. Accordingly, the assessee's appeal came to be dismissed.

6. The assessee is aggrieved with this summary dismissal of his appeal. Sh. C. Naresh, FCA, appearing on behalf of the assessee invited our attention to the condonation petition and pointed out that the notices had never been served upon the assessee. They had been sent to the email address of the counsel who had filed the appeal and the assessee had not received the notices either physically or through electronic means. It was, therefore, submitted that because the assessee did not receive the notices of hearing, compliance could not be made and the Id. CIT(A) was unjustified in dismissing the appeals of the assessee after only affording two opportunities, as he should have ensured the service of the notice before proceeding with the matter. It was submitted that the assessee was very desirous of pursuing the appeal on merits and accordingly the matter may kindly be remanded to the file of the Id. CIT(A) for a decision in the matter.

7. On the other hand, Sh. R.K. Agarwal, CIT DR pointed out that the assessee had been given opportunities by sending of notices to the designated email ID as given in its appeal memo, but had not complied. Therefore, there was no reason to send the matter back.

8. We have duly considered the facts and circumstances of the case. Since it is apparent that the Id. CIT(A) has not looked into the issues on their merits or passed a speaking order after consideration of the same, the assessee's arguments against the additions made by the Id. AO have not been considered. It is seen that the

assessee was issued only two notices by the ld. CIT(A) and therefore, was not provided proper opportunity for representation of its case. Therefore, in the interest of justice, we deem it appropriate to restore this matter back to the file of the ld. CIT(A), so that the assessee may be given an opportunity to furnish arguments and evidences in support of its appeal and the ld. CIT(A) may thereafter decide the issues on their merits, after consideration of the same. As the appeal stands restored to the file of the ld. CIT(A), it is held to be allowed for statistical purposes.

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

Order pronounced on 16.10.2025 in open Court.

Sd/-

**[SUDHANSHU SRIVASTAVA]
JUDICIAL MEMBER**

DATED: 16/10/2025

Sh

Sd/-

**[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER**

Copy forwarded to:

1. Appellant –
2. Respondent –
3. CITDR, ITAT,
4. CIT,
5. The CIT(A)

By order
Sr. P.S.