

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई।  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'D' BENCH: CHENNAI**

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं  
श्री एस. आर. रघुनाथा, लेखा सदस्य के समक्ष

**BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND  
SHRI S.R.RAGHUNATHA, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.2327/Chny/2025  
निर्धारण वर्ष/Assessment Year: 2018-19

Shanmugavel Sundararajan, 27, Mounspuram, 3 <sup>rd</sup> Lane, Dindigul-624 001.	v.	The ITO, Ward-1, Dindigul.
[PAN: BTRPS 8441 N]		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)
अपीलार्थी की ओर से/ Appellant by	:	None
प्रत्यर्थी की ओर से /Respondent by	:	Mr. Krishna Murthy AT, JCIT
सुनवाईकीतारीख/Date of Hearing	:	23.10.2025
घोषणाकीतारीख /Date of Pronouncement	:	27.10.2025

**आदेश / ORDER**

**PER MANU KUMAR GIRI, JM:**

This appeal filed by the assessee is directed against the order of the Ld. Commissioner of Income Tax (Appeals), NFAC, Delhi, [CIT(A)] dated 24.06.2025 for Assessment Year 2018-19.

2. Brief facts of the case are that the AO levied penalty u/s 271D of the Act for the contravention of section 269SS of the Act as the assessee had sold immovable property for the value of Rs.14 lakhs and received the entire sale consideration in cash. Aggrieved by the penalty u/s 271D,



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the assessee filed appeal before the Id. CIT(A). However, before the Id.CIT(A), assessee didn't appear, hence the Id.CIT(A) dismissed the appeal ex-prate confirming the penalty u/s 271D of the Act. Now, assessee is further in appeal before us.

3. Before us also none appeared for the assessee despite service of notice for hearing. The Ld. Addl. CIT-DR pleaded for dismissal of the appeal on the ground that the assessee is habitual defaulter in prosecuting the case. He further argued that no explanation has been given by the assessee for the contravention of section 269SS of the Act.

4. We have gone through the orders of lower authorities and submission addressed by the Id. Departmental Representative. We are of the considered view that in the interest of justice, assessee should be given one more opportunity before the Id.CIT(A) to plead and file all relevant evidences/documents to prosecute its appeal. Therefore, in the light of aforesaid factual position, we deem it fit to set aside the appeal to the file of the Id.CIT(A) for de novo adjudication of appeal on merits. The Ld.CIT(A) who shall proceed for de novo adjudication of appeal after providing proper opportunity of hearing to the assessee as per law. The assessee is directed to substantiate its case forthwith without any fail. We make it clear that if assessee again fails to prosecute the penalty appeal before the Id.CIT(A), the impugned order of the Ld.CIT(A) will prevail and no leniency will be given to the assessee.



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5. In the result, appeal filed by the assessee is allowed for statistical purpose.

Order pronounced on the 27<sup>th</sup> day of October, 2025, in Chennai.

**Sd/-**

(एस. आर. रघुनाथा)  
(S.R.RAGHUNATHA)

लेखा सदस्य/ACCOUNTANT MEMBER

**Sd/-**

(मनु कुमार गिरि)  
(MANU KUMAR GIRI)

न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai,

दिनांक/Dated: 27<sup>th</sup> October, 2025.

**TLN**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai / Madurai / Salem / Coimbatore.
4. विभागीय प्रतिनिधि/DR
5. गार्डफाईल/GF