

आयकर अपीलीय न्यायाधिकरण में, हैदराबाद 'ए' बेंच, हैदराबाद
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' A ' Bench, Hyderabad

श्री मंजूनाथ जी, माननीय लेखा सदस्य एवं श्री रवीश सूद, माननीय न्यायिक सदस्य
SHRI G. MANJUNATHA, HON'BLE ACCOUNTANT MEMBER
AND
SHRI RAVISH SOOD, HON'BLE JUDICIAL MEMBER

आयकर अपील सं./I.T.A.No.1325/Hyd/2025
(निर्धारण वर्ष/ Assessment Year: 2017-18)

Subhash Hanumanthappa, Hyderabad. PAN : AAMPH2234F	Vs.	The Income Tax Officer, Ward-6(4), Hyderabad.
(अपीलार्थी/ Appellant)		(प्रत्यर्थी/ Respondent)

करदाता का प्रतिनिधित्व/ Assessee Represented by	:	Shri P. Vinod, Advocate.
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Shri Gurpreet Singh, Sr.AR
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	14.10.2025
घोषणा की तारीख/ Date of Pronouncement	:	17.10.2025

ORDER

PER MANJUNATHA G., A.M :

This appeal filed by the assessee is directed against the order of the learned Commissioner of Income Tax (Appeals), National

Faceless Appeal Centre [in short “NFAC”], Delhi, relating to the assessment year 2017-18.

2. The brief facts of the case are that the assessee is proprietor of M/s. Sri Baidyanath Book Distributors, filed his return of income for A.Y. 2017-18 on 31-10-2017, admitting an income of Rs. 9,12,700/-. The case was selected for scrutiny, and during the course of assessment proceedings, the A.O. called upon the assessee to furnish relevant evidences in support of the return filed for the year by issuing notice u/s 142(1) of the Act, dated 19-07-2019, on various dates. Since there was no response from the assessee, in spite of giving several opportunities, a show-cause/notice dated 11-11-2019 was issued and served on the assessee and called upon the assessee to explain as to why the assessment shall not be completed to the best of his judgment in terms of Section 144 of the Income-tax Act, 1961. However, there was no response from the assessee. Therefore, the A.O. passed order u/s 144 of the Income-tax Act, 1961, on 21-11-2019, and determined the total income of the assessee at Rs.60,09,200/- by making an addition of Rs. 50,96,500/- towards deposits made by the assessee into his bank account during the demonetization period.

3. Aggrieved by the assessment order, the assessee preferred an appeal before the Ld. CIT(A), and such appeal has been on 19-02-2020. In Form No. 35 filed by the assessee, it was stated that the date of service of the order was on 08-02-2020. During the course of appellate proceedings, the Ld. CIT(A) issued various notices fixing the case for hearing. However, there was no response from the assessee. Therefore, the Ld. CIT(A) disposed of the appeal filed by the assessee on the ground that the appeal has been filed with a delay of 60 days without any petition for condonation of delay.

4. Aggrieved by the order of the Ld. CIT(A), the assessee is now in appeal before the Tribunal.

5. The learned counsel for the assessee Shri P. Vinod, Advocate, submitted that although the A.O. passed the assessment order u/s 144 of the Act, on 21-11-2019, but the assessment order passed by the A.O. was not served on the assessee. Further, the assessee came to know about the assessment order passed by the A.O. only upon receipt of notice u/s 226(3) of the Act dated 07-02-2020. Further, upon noticing the assessment order passed by the A.O., the assessee filed an appeal on 08-02-2020, and if we

consider the date of service of the order as on 07.02.2020, there is no delay in filing the appeal. The Ld. CIT(A), without giving any opportunity to the assessee to explain the delay, simply dismissed the appeal filed by the assessee. Therefore, he submitted that the order passed by the A.O. should be set aside and the appeal may be set aside to the file of Ld. CIT(A) to give one more opportunity of hearing to the assessee.

6. The learned senior A.R. for the Revenue Shri Gurupreet Singh, on the other hand, fairly agreed that the matter may be remanded back to the Ld. CIT(A) to give another opportunity of hearing to the assessee.

7. We have heard both parties, perused the material available on record, and had gone through the orders of the authorities below. There is no dispute with regard to the fact that the assessment order passed by the A.O. u/s 144 of the Act, on 21-11-2019 was claimed to have been served on the assessee on 08-02-2020, upon noticing the notice issued by the A.O. for recovery of tax u/s 226(3) of the Act. Since the assessee claimed that there was no delay in filing of the appeal before the Ld. CIT(A), the petition for

condonation of delay was not filed. The Ld. CIT(A) dismissed the appeal filed by the assessee on the ground that there was a delay of 60 days in the appeal filed by the assessee, however, the Ld. CIT(A) did not consider Form No. 35 filed by the assessee, including the date of service of order on 08-02-2020. Further, the Ld. CIT(A) had also not given an opportunity to the assessee to explain his case on the issue of delay in filing the appeal before the Ld. CIT(A). Although, the Ld. CIT(A) has given four opportunities of hearing to the assessee and the assessee had not responded to the notices issued by the Ld. CIT(A), but the fact remains that on the issue of condonation of delay, there was no opportunity given to the assessee to explain his case. Since the Ld. CIT(A) dismissed the appeal filed by the assessee without putting the issue to the assessee for his notice and explanation, in our considered view, the issue needs to be set aside to the file of the Ld. CIT(A) to give one more opportunity of hearing to the assessee to explain his case on the issue of delay in filing the appeal. Thus, we set aside the order of the Ld. CIT(A) and restore the issue back to the file of Ld. CIT(A) and the Ld. CIT(A) is directed to reconsider

the issue of delay after providing an opportunity of hearing to the assessee to explain his case.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on 17th October, 2025.

Sd/- (श्री रवीश सूद) (RAVISH SOOD) न्यायिक सदस्य/JUDICIAL MEMBER	Sd/- (मंजूनाथ जी) (MANJUNATHA G.) लेखा सदस्य/ACCOUNTANT MEMBER
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Hyderabad, dated 17.10.2025.
TYNN/sps

आदेशकी प्रतिलिपि अग्रेषित/ Copy of the order forwarded to:-

1.	निर्धारिती/The Assessee	:	Subhash Hanumanthappa, R/o.8-3-228/416, Rahamath Nagar, Yousafguda, Hyderabad – 500018.
2.	राजस्व/ The Revenue	:	The Income Tax Officer, Ward 6(4), Hyderabad.
3.	The Principal Commissioner of Income Tax, Hyderabad.		
4.	विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, हैदराबाद / DR, ITAT, Hyderabad		
5.	गार्डफ़ाईल / Guard file		

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Hyderabad