

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "F" MUMBAI**

**BEFORE SHRI SANDEEP GOSAIN (JUDICIAL MEMBER)
AND
SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)**

**ITA No. 5726/MUM/2025
Assessment Year: 2019-2020**

Vinaya Prasanna Kulkarni,
78A, Vasantham Avenue,
Vanapadi Road, Ranipet,
Tamilnadu-632401.
PAN NO. AVQPK 1735 M
Appellant

ITO Ward 3(4),
Thane-400604.

Vs.

Respondent

Assessee by : Mr. Haridas Bhatt
Revenue by : Ms. Kavitha Kaushik, Sr. DR

Date of Hearing : 10/11/2025
Date of pronouncement : 17/11/2025

ORDER

PER OM PRAKASH KANT, AM

This appeal by the assessee is directed against order dated 24.07.2025 passed by the Ld. Commissioner of Income-tax (Appeals) – National Faceless Appeal Centre, Delhi [in short ‘the Ld. CIT(A)'] for assessment year 2019-2020, raising following grounds:

Ground I

A. On the facts and circumstances of the case and in law, the Ld. CIT(A) NFAC erred in dismissing the appeal without condoning



the delay in filing the appeal, ignoring the bona fide for delay in filing and merits of the case is bad at law.

B. The Ld. CIT(A) failed to appreciate that the appellant

i. was a housewife and not a Income tax return filer with income below taxable limit.

ii. She has shifted from the address registered in PAN 15 years back and did not update the site since she was a non filer.

iii. She became aware of the order through her banker who has shared her email id.

iv. Thus, the assessee was not granted proper opportunity and not adjudicated on merits is bad at law and against the principle of natural justice.

C. The appellant therefore prays that order passed without giving sufficient opportunity to substantiate the claims is bad at law and the said order be annulled.

GROUND II

A. On the facts and circumstances of the case, and in Law, the learned ITO Ward 4(1) Thane ("AO") erred adding Rs.1,00,00,000/- u/s 69A and taxed U/s 115BBE of the Act, as unexplained investments in Fixed Deposits.

B. On the facts and circumstances of the case and in law the AO failed to appreciate that:

1. The Assessee has made a FD of Rs.50,00,000/- only, which was reported twice and addition of Rs.1,00,00,000/- was made by AO.

ii. The said deposit was out of the money transferred from her husband from his known source of income via banking channels.

The appellant's explanations submitted before the CITA were not considered.

C. The appellant, therefore, prays that addition of Rs.1,00,00,000/- u/s 69A of the Act as unexplained money may please be deleted.

GROUND III



A. On the facts and circumstances of the case, and in Law, the learned ITO Ward 4(1) Thane ("AO") erred adding Rs.88,656/- being interest on Fixed Deposits.

B. On the facts and circumstances of the case and in law the AO failed to appreciate that:

i. The Assessee could not file the return of income due to reasons mentioned in ground no 1.

ii. The Interest earned is below the threshold limit of taxation.

iii. The appellant's explanations submitted before the CITA were not considered.

The addition is not made under any sections which attracts Section 115BBE. iv.

V. The tax is calculated U/s 115BBE on the income without mentioning in the order.

C. The appellant, therefore, prays that addition of Rs.88,656/- of bank Interest taxed U/s 115BBE may please be deleted.

2. We have heard the rival submissions and perused the material available on record. It is observed that, in the present case, the Ld. CIT(A) declined to condone the delay in filing the appeal. The relevant findings recorded by the Ld. CIT(A) read as under:

"3. It is clear from the above that the order u/s 147 r.w.s 144 was made on 07.03.2024 which got served upon the appellant on 07.03.2024 but the appeal was filed on 24.09.2024 i.e. beyond prescribed time of 30 days, whereas, the appellant was required to file appeal within 30 days as provided vide section 249(2) on receipt of order u/s 147 r.w.s 144. The petition of the appellant regarding late filing of appeal is carefully considered but is not acceptable on merit as the appellant has itself declared in form 35 that the order was received on 07.03.2024. The appellant also stated in its request petition for delay that the AO might obtain the mail id from bank and sent the notices to the mail id in the month of may, but still the appellant took around 5 months to file the appeal, which shows callous attitude towards the statutory notices. The appellant did not file any documentary evidence which prevent it from filing the appeal within statutory



time limits. Therefore, the appellant has not given any sufficient reason which prevented it to file appeal in time. Therefore, the contention of the appellant is without any substance in it.

It should be noted that the legislature has provided time limits for certain obligations under the Act and these time limits have to be observed. It is compliance requirements imposed by law in the interest of proper regulation of the Act. Hon'ble High Court of Delhi in case of Lava International Ltd Vs CBDT in Civil writ petition No. 8293/2024 dated 30.5.2024 has stated that power of condonation can be exercised to delay with the extraordinary circumstances only which would have led to delay in statutory compliance and the same cannot be exercised routinely. In the present case, the cause stated by the appellant for delay in filing of appeal is not an extraordinary cause and therefore, this is not a suitable cause for condoning the delay in filing of appeal.

The appellant was required to file appeal within 30 days of the receipt of demand notice. However, the appellant has not done so. Hence, the reason stated can't be relied upon and therefore, as provided in the section 249 (3) of the IT Act. Accordingly, I am not satisfied that the appellate had sufficient cause for not presenting the appeal within the specified period. Hence, since, appeal was not filed within prescribed time as provided in the section 249(2) of the IT Act, the same is not admitted."

3. Before us, the Ld. Counsel for the assessee has filed an affidavit and submitted that the assessee, a housewife, had shifted from the address earlier furnished to the Income-tax Department nearly 15 years ago and inadvertently failed to update the same on the income-tax portal. Consequently, she remained unaware of the proceedings initiated by the Assessing Officer. It was only when her banker shared her e-mail ID with the Department, and recovery proceedings were pursued, that she became aware of the assessment order. The assessee thereafter promptly engaged a professional and filed the appeal without further delay.



4. We have given our thoughtful consideration to the rival submissions and examined the record relevant to the assessee's request for condonation of delay. Section 249(2) of the Act prescribes a limitation of 30 days for filing an appeal before the Ld. CIT(A). However, under section 249(3), the Ld. CIT(A) is empowered to condone the delay if "sufficient cause" is demonstrated.

4.1 The expression "sufficient cause" has been interpreted by the Hon'ble Supreme Court in *Collector, Land Acquisition v. Mst. Katiji* (1987) 167 ITR 471 (SC), to be elastic and capable of liberal interpretation in order to advance substantial justice. The settled law is that the length of delay is not of primary relevance; what is of significance is whether the cause shown is bona fide and sufficient to explain the delay. Courts have consistently held that technicalities should not thwart adjudication on merits, in the absence of mala fides or deliberate neglect. At the same time, the discretion to condone delay must be exercised judiciously, upon the appellant demonstrating cogent and bona fide reasons for the delay.

4.2 In the present case, the assessee has satisfactorily explained that she had shifted from the address available with the Department years earlier and remained unaware of the proceedings due to non-updation of particulars on the portal. The explanation appears bona fide, and no material has been brought on record by the Revenue to controvert the assessee's assertions. In these



circumstances, we are of the considered view that the assessee was prevented by sufficient cause from filing the appeal within the prescribed period. We accordingly condone the delay in filing the appeal before the Ld. CIT(A).

5. Since the appeal was dismissed in limine on the ground of limitation, the Ld. CIT(A) has not adjudicated the issues on merits. We therefore direct the Ld. CIT(A) to condone the delay, admit the appeal, and dispose of the same on merits in accordance with law.

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

Order pronounced in the open Court on 17/11/2025.

**Sd/-
(SANDEEP GOSAIN)
JUDICIAL MEMBER**

**Sd/-
(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 17/11/2025
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,
(Assistant Registrar)
ITAT, Mumbai