

आयकर अपीलीय अधिकरण, हैदराबाद पीठ
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' B ' Bench, Hyderabad

श्री रविश सूद, न्यायिक सदस्य एवं श्री मधुसूदन सावड़िया लेखा सदस्य समक्ष।
Before Shri Ravish Sood, Judicial Member
A N D
Shri Madhusudan Sawdia, Accountant Member

आ.अपी.सं / **ITA No.1470/Hyd/2025**
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Anil Kumar Dundoo Secunderabad PAN:ABPPD7600K (Appellant)	Vs.	ACIT Circle 10(1) Hyderabad (Respondent)
निर्धारिती द्वारा / Assessee by:	Advocate D Prabhakar Reddy	
राजस्व द्वारा / Revenue by::	Dr. Sachin Kumar, Sr. DR	
सुनवाई की तारीख / Date of hearing:	26/11/2025	
घोषणा की तारीख / Pronouncement:	05/12/2025	

आदेश/ORDER

Per Madhusudan Sawdia, A.M.:

This appeal is filed by Shri Anil Kumar Dundoo ("the assessee"), feeling aggrieved by the order passed by the Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi ("Ld. CIT(A)") dated 06.06.2025 for the A.Y.2017-18.

2. At the outset, it is seen that there is a delay of 16 days in filing the present appeal before the Tribunal. The assessee has filed a condonation petition along with a copy of affidavit explaining the reasons which led to the delay in filing the appeal.

The Learned Authorized Representative (“Ld. AR”) submitted that the order of the Ld. CIT(A) was passed on 06.06.2025. Accordingly, the limitation for filing the appeal before this Tribunal expired on 31.08.2025. It was submitted that the assessee had originally filed an appeal on 04.08.2025 in ITA No.1259/Hyd/2025, well within the prescribed period of limitation. The Ld. AR further submitted that the Registry, vide notice dated 03.09.2025, had pointed out certain defects in ITA No.1259/Hyd/2025. However, inadvertently and due to misunderstanding of the procedural requirements, instead of rectifying the defects pointed out by the Registry in the said appeal, the assessee filed a fresh appeal on 16.09.2025 against the same impugned order. Consequently, two appeals came to be filed against the same order of the Ld. CIT(A). It was further submitted that to avoid duplication of proceedings, the assessee withdrew the earlier appeal in ITA No.1259/Hyd/2025, which stood dismissed by this Tribunal vide order dated 04.11.2025 as withdrawn. Therefore, the delay of 16 days in filing the present appeal is purely technical, arising only due to a mistaken understanding of procedural requirements and not attributable to any deliberate lapse, negligence, or inaction on the part of the assessee. The Ld. AR accordingly prayed that the delay may be condoned and the appeal be admitted for adjudication on merits.

3. Per contra, the Learned Departmental Representative (“Ld. DR”) did not raise any objection to the condonation of delay.

4. We have carefully considered the submissions and perused the condonation petition along with the affidavit placed on record. The reasons explained by the assessee clearly establish

that the delay is neither intentional nor deliberate. The delay has occurred only on account of a bona fide procedural misunderstanding while dealing with the defects pointed out by the Registry. In our view, such a technical lapse should not come in the way of substantive justice. Further, since the Revenue has not raised any serious objection to the condonation, we are satisfied that the assessee has shown sufficient cause for the delay of 16 days in filing the present appeal. Accordingly, the delay in filing the appeal is hereby condoned, and the appeal is admitted for adjudication on merits.

5. The assessee has raised the following grounds of appeal:

Based on the facts and circumstances of the case and in law, Anilkumar Dundo (hereinafter referred to as "the "Appellant / Assessee"), respectfully craves leave to prefer an appeal against the order passed by the Commissioner of Income-tax (Appeals) / National Faceless Appeal Centre (NFAC), New Delhi (hereinafter referred to as "Learned CIT(A)", dated 06th June 2025 for the Assessment Year ("AY") 2017-18, under section 250 of the Income-tax Act, 1961 ("the Act") inter-alia on the following grounds which are without prejudice to each other.

- i. *The Lr. Commissioner of Income Tax (Appeals) or NFAC (herein after referred as Lr. CIT(A)) erred on both facts and law in passing the Appellate Order U/s. 250 of Income Tax Act, 1961 without condoning the delay despite placing all the required evidence. The same needs to be quashed.*
- ii. *The Lr. CIT(A) has passed the Appellate Order without looking into the facts and merits of the case and after placing evidence for delay in filing the appeal on time and also all submissions made on merit.*
- iii. *The Lr. CIT(A) Commissioner not appreciated or adjudicated any grounds on merits whereas the order of the Lr. Assessing Officer disregards the disclosure made under the Pradhan Mantri Garib Kalyan Yojana (PMGKY), wherein the applicable taxes were duly paid as per the directions of the Department. The Learned Assistant Commissioner has overlooked the fundamental fact that the appellant had already disclosed the income under PMGKY and complied with the corresponding tax liabilities as suggested by the revenue authorities. Consequently, there is no justification for any further additions to the same admitted income under Section 143(3) of the Income Tax Act on grounds of*



underreporting or misreporting of income. Therefore, it is most humbly prayed that the said addition made by the Lr. AO be deleted and Appellate Order to be quashed as it was not passed on merits.

- iv. *The appellant was unable to attend the assessment proceedings due to severe personal hardships, including pressing family issues and significant health concerns affecting both himself and his family. Notwithstanding these difficulties, the appellant, as per the guidance of the Department, voluntarily disclosed the entire income under PMGKY and paid the requisite taxes. However, the Learned Assistant Commissioner has resorted to an arbitrary and erroneous computation, despite the fact that the disclosure and tax payment were made on the complete income as mandated by PMGKY. The addition imposed over and above the disclosed income is therefore unjustified, contrary to the facts of the case, and unwarranted under Section 143(3) of the Income Tax Act, particularly when the appellant has fully cooperated with the Department. In view of the foregoing, it is humbly requested that the said addition be deleted and the impugned order be set aside.*
- v. *There has been an unavoidable delay in filing the present appeal, as the appellant was unaware of the assessment order due to a lack of communication from his authorized representative. The appellant, being unfamiliar with the complexities of income tax laws and procedures, inadvertently failed to file the appeal within the prescribed time. In light of these circumstances, it is most humbly submitted before the Hon'ble Income Tax Appellate Tribunal to adjudicate the matter on merits and condone the delay in filing the appeal before the Lr. CIT(A) / NFAC.*
- vi. *The appellant Craves his rights to add, amend or alter any of the Grounds on or at the time of hearing.*



(ANILKUMAR DUNDOO)
Appellant

6. Brief facts of the case are that the assessee is the proprietor of M/s. Mustang Services and is engaged in the trading

of diamonds and bullion. The assessee filed his return of income for the assessment year 2017-18 on 04.11.2017 admitting a total income of Rs.49,59,100/-. The case of the assessee was selected for complete scrutiny under CASS and accordingly notice under section 143(2) of the Income Tax Act, 1961 ("the Act") dated 09.08.2018 was issued by the Learned Assessing Officer ("Ld. AO"). After considering the submissions of the assessee, the Ld. AO made an addition of Rs.27,62,580/- under the head "income from business or profession" and completed the assessment under section 143(3) of the Act on 28.12.2019 determining the total income of the assessee at Rs.77,21,680/-.

7. Aggrieved by the order of the Ld. AO, the assessee filed an appeal before the Ld. CIT(A). There was, however, a delay of 2247 days in filing the appeal before the Ld. CIT(A). The Ld. CIT(A) refused to condone the delay and dismissed the appeal in limine.

8. Aggrieved with the order of the Ld. CIT (A), the assessee is in appeal before this Tribunal. Before us, the assessee filed an affidavit placed at page nos. 20 to 22 of the paper-book explaining the reasons for the delay in filing the appeal before the Ld. CIT (A) and seeking condonation, which is to the following effect:

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తెలంగాణ తెలంగాణ TELANGANA

Tran Id: 251110113021386979
 Date: 10 NOV 2025, 11:31 AM
 Purchased By:
 D ANIL KUMAR
 S/o D RAMESH
 R/o SECUNDERABAD
 For SELF

AFFIDAVIT

DEVATHALA DEEPTHI
 LICENSED STAMP VENDOR
 Lic. No. 15-08-014/2019
 Ren.No. 15-08-027/2025
 H.NO. 1-11-136/2, SHAMLAL
 BUILDING, NEAR
 HYDERABAD PUBLIC
 GUMPET,
 MEDICAL-MALKAJGIRI
 DISTRICT - 500016
 TEL: 933887292

**Explaining Circumstances for Delay in Filing Appeal
 Before CIT(A) and Seeking Condonation of Delay**

(Before the Hon'ble Income-tax Appellate Tribunal, Hyderabad Benches, Hyderabad)

Appeal No.: 1470/HYD/2025
Assessment Year: 2017-18

In the matter of:

Anil Kumar Dundo, Secunderabad

...Appellant

Vs.

Assistant Commissioner of Income-tax, Circle-10(1), Hyderabad

...Respondent

I, **Anil Kumar Dundo**, son of **Sri Ramesh Dundo**, aged about 59 years, residing at H. No. 1-7-293/1C, M.G. Road, Paradise Circle, Secunderabad - 500003, Telangana, do hereby solemnly affirm and state as under:

1. That I am the Appellant in the above matter and am fully conversant with the facts of the case. I am, therefore, competent to swear to this affidavit.
2. That the assessment order under section 143(3) of the Income-tax Act, 1961 was passed by the Assessing Officer on 28.12.2019. The appeal under section 246A was

Page 1 of 2

required to be filed before the Learned Commissioner of Income-tax (Appeals) within 30 days from the date of communication of the order. Accordingly, the prescribed time for filing the appeal expired on 27.01.2020.

3. **That the appeal was ultimately filed on 24.03.2025**, resulting in a delay of about **2,247 days**. However, after excluding the period covered by the Hon'ble Supreme Court's orders extending limitation on account of the COVID-19 pandemic (up to 28.02.2022), the effective delay works out to about **1,120 days**.
4. **That the delay occurred due to bona fide and unavoidable circumstances**, as detailed below:

(a) Health Issues:

Even prior to and during the relevant period, I was suffering from serious health problems that rendered me unable to actively pursue my tax matters or coordinate with my advisors. On 17.09.2019, I visited Mahatma Sri Ramachandra Memorial Hospital with complaints of severe joint pain and swelling in my legs (edema). After diagnostic tests, I was diagnosed with **Hyperuricemia** (elevated uric acid levels due to kidney issues) and **Hypertension**. Continuous medical treatment and follow-up visits were undertaken on 15.10.2019, 15.11.2019, and 17.01.2020, and the condition persisted for over a year. Even now, I continue to experience related health issues intermittently.

(b) COVID-19 Pandemic:

I was diagnosed with COVID-19 during the second wave of the pandemic (Delta variant) and developed severe respiratory complications, necessitating my admission to the Intensive Care Unit (ICU) at Yashoda Hospital on 26.11.2020. I was subsequently discharged from the ICU on 30.11.2020. Thereafter, I required a considerable period for post-recovery and rehabilitation from the said illness.

It is pertinent to note that during the relevant period, the unprecedented COVID-19 pandemic had gravely disrupted normal life and the functioning of offices. Widespread lockdowns, travel restrictions, and the closure of professional and governmental establishments severely hindered compliance and procedural activities. The Hon'ble Supreme Court of India has already taken judicial cognizance of this extraordinary situation and, accordingly, directed the exclusion of this period for the purpose of computing limitation, extending such exclusion up to 28.02.2022.

(c) Failure of Auditors / Authorized Representatives:

I had entrusted the matter to my then tax auditor/authorized representative, **Shri K. Mohan Acharya, Chartered Accountant**, for necessary action. Owing to my ill health, I was unable to follow up personally and relied on his professional advice. Unfortunately, he failed to file the appeal within the prescribed time and did not keep me informed of the status. Later, due to non-cooperation and continued negligence, I changed my tax auditor on **01.01.2022** and entrusted the work to **Shri Ashwin Kumar Marda, Chartered Accountant**. Despite repeated reminders, he too did not file the first appeal, assuring me that "it will take time." I acted in good faith and relied upon my professional advisors. The omission came to light only after consulting a friend knowledgeable in tax matters, who advised me that the first appeal had not been filed. Thereafter, I immediately took corrective steps and got the appeal filed on **24.03.2025**.



5. **That the delay in filing the appeal is neither deliberate nor intentional**, but has occurred solely due to the genuine and unavoidable reasons mentioned above.
6. **That I have a strong case on merits**, and if the delay is not condoned, I shall suffer serious and irreparable loss and prejudice.
7. **That it is therefore humbly prayed** that, in the interest of substantial justice, the delay in filing the appeal before the Learned CIT(A) may kindly be condoned, and the matter may be restored for adjudication on merits.
8. **That I undertake to abide by any condition or direction** that this Hon'ble Tribunal may deem fit and proper while granting such condonation.

PRAYER

In view of the foregoing facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

1. **Condone the delay** in filing the appeal before the Learned CIT(A); and
2. **Set aside the order of the CIT(A)** refusing condonation and **restore the appeal** to the file of the CIT(A) for adjudication on merits, in the interest of justice and equity.

VERIFICATION

1. **Anil Kumar Dundoo**, the above-named deponent, do hereby verify that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.

Verified at **Hyderabad** on this **18th day of November 2025**.

Signature of the Deponent



(ANILKUMAR DUNDOO)

9. The Ld. AR submitted that the assessment order was passed by the Ld. AO on 28.12.2019 and therefore the limitation for filing the appeal before the Ld. CIT(A) expired on 27.01.2020. However, the appeal came to be filed only on 24.03.2025, resulting in a delay of 2247 days. The Ld. AR submitted that the initial portion of the delay occurred due to the severe health issues of the assessee, who was suffering from serious joint pain, swelling in his legs and was diagnosed with hyper-uricemia requiring continuous medical treatment. The assessee was later diagnosed

with COVID-19 during the second wave of the pandemic and was admitted to hospital from 26.11.2020 to 30.11.2020. It was submitted that the assessee required prolonged medical recovery and rehabilitation thereafter. The Ld. AR further submitted that the Hon'ble Supreme Court in Suo Motu Writ (Civil) proceedings had extended the period of limitation up to 28.02.2022. Therefore, if the COVID-19 exclusion is applied, the effective delay would stand reduced to 1120 days. It was further submitted that after the COVID period, the assessee could not file the appeal due to negligence of his tax consultants. The assessee had entrusted the tax matters to his Chartered Accountant, who neither filed the appeal on time nor kept the assessee informed about the status of the filing of the appeal. Owing to the negligence of the earlier Chartered Accountant, the assessee changed his tax advisor and engaged another Chartered Accountant on 01.10.2020. However, even the subsequent Chartered Accountant failed to file the appeal in time, stating that the matter required further time. The assessee acted in good faith relying on the professional advice given to him. It was submitted that only when the assessee discussed the matter with a knowledgeable friend, the omission came to his notice and thereafter the appeal was immediately filed. It was strongly urged that the delay was neither intentional nor deliberate and that the assessee had a strong case on merits. The Ld. AR relied on the judgment of the Hon'ble Supreme Court in the case of Shivamma (Dead) by Lrs vs. Karnataka Housing Board and Ors. in Civil Appeal No.11794 of 2025, wherein it was held that the quantum of delay is not the determinative factor and that what is material is the sufficiency of cause shown.

10. Per contra, the Ld. DR opposed the condonation of delay and submitted that the delay of 2247 days is inordinate and wholly unexplained. It was submitted that the medical condition of the assessee is not of such nature that it could have prevented him from filing the appeal for an extended period of more than six years. With respect to the contention regarding extension of limitation by the Hon'ble Supreme Court, the Ld. DR submitted that such benefit was available only for cases where the limitation expired within the period covered by the Supreme Court's directions i.e. within 15.03.2020 to 28.02.2022. In the present case, the limitation expired on 27.01.2020, much prior to the cut-off date. Hence, the benefit of COVID-19 exclusion cannot be extended to the assessee. The Ld. DR further submitted that even after excluding the COVID-19 period, the delay of 1120 days remains unexplained. The assessee's plea that both the Chartered Accountants misadvised him and failed to file the appeal is not substantiated by any affidavit from the said Chartered Accountants. In the absence of corresponding affidavits, such a plea cannot be accepted. Reliance was placed on the decisions of the Hon'ble Supreme Court in the case of Jharkhand Urja Utpadan Nigam Ltd. & Anr. vs. Bharat Heavy Electricals Ltd in petition for Special Leave to appeal (c) No.9580/2025, P.K. Ramachandran vs. State of Kerala & Anr. Dated 19.09.1997, the judgment of the Hon'ble Bombay High Court in the case of Vama Apparels India Pvt. Ltd. vs. ACIT (102 Taxamnn.com 398) and the order of the Coordinate Bench of this Tribunal in Matrix Sea Foods India Ltd. vs. ACIT, ITA No.102/Hyd/2022 dated 23.02.2023, to contend that inordinate and unexplained delay cannot be condoned.

11. We have carefully considered the rival submissions and gone through the affidavit and documents placed on record including the case law relied on. The delay of 2247 days in filing the appeal before the Ld. CIT(A) is undeniably substantial and requires cogent justification. The reasons advanced by the assessee regarding his medical condition, COVID-19 infection and recovery cannot persuade us to accept that such circumstances disabled him from filing an appeal for more than six years. Further, the extension of limitation granted by the Hon'ble Supreme Court is not applicable to the assessee, since the assessee's limitation expired on 27.01.2020, which is prior to the period covered by the Supreme Court's directions i.e. 15.03.2020 to 28.02.2022. Even if we exclude the period of delay covered by the Supreme Court's directions, there remains a further inordinate delay of 1120 days. The assessee's plea regarding professional negligence also remains unsupported by any affidavit from the Chartered Accountants concerned. In the absence of corroboration, such an explanation cannot be treated as sufficient cause. The balance period of delay of 1120 days remains wholly unexplained. The settled law is that while liberal interpretation is permissible, delay cannot be condoned merely on equitable grounds without adequate explanation. The reliance of the assessee on the judgment of the Hon'ble Supreme Court in the case of Shivamma (Dead) by Lrs vs. Karnataka Housing Board and Ors.(Supra) is not applicable to the facts of the present case as no sufficient cause qua the inordinate delay has been substantiated by the assessee with any documentary evidence. In view of the above discussion, we find no infirmity in the decision of the Ld. CIT(A) in declining to condone the delay of 2247 days. We

accordingly uphold the order of the Ld. CIT(A) and dismiss the appeal of the assessee.

12. In the result, the appeal of the assessee is dismissed.

Order pronounced in the Open Court on 5th December 2025.

Sd/-

Sd/-

(RAVISH SOOD) JUDICIAL MEMBER	(MADHUSUDAN SAWDIA) ACCOUNTANT MEMBER
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Hyderabad, dated 5th December 2025

Vinodan/sps

Copy to:

S.No	Addresses
1	Shri Anil Kumar Dundoo House No.6-1-275 Padmarao Nagar, Secunderabad 500025 Telangana
2	ACIT Circle 10(1) Hyderabad
3	Pr. CIT - Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

By Order