

आयकर अपीलीय अधिकरण, विशाखापटणम पीठ, विशाखापटणम

**IN THE INCOME TAX APPELLATE TRIBUNAL
VISA KHAPATNAM "DIVISION" BENCH, VISA KHAPATNAM**

(HYBRID HEARING)

**श्री रवीश सूद , न्यायिक सदस्य एवं श्री एस बालाकृष्णन, लेखा सदस्य के समक्ष
BEFORE SHRI RAVISH SOOD, HON'BLE JUDICIAL MEMBER**

&

SHRI S BALAKRISHNAN, HON'BLE ACCOUNTANT MEMBER

**आयकर अपीलसं./I.T.A.No.443/VIZ/2025
(निर्धारणवर्ष/ Assessment Year:2017-18)**

Velaga Siva Parvathi D.No. 13-152 Ramapura Colony, Poranki Vijayawada - 521137 Andhra Pradesh [PAN: DHVPS0670H]	Vs.	The Income Tax Officer Ward- 2(4) Income Tax Office CR Building 1 st Floor M.G. Road, Vijayawada Andhra Pradesh
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करदाता का प्रतिनिधित्व/ Assessee Represented by	:	Shri GVN Hari, Advocate
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Dr. Aparna Villuri, Sr.AR
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	20.11.2025
घोषणा की तारीख/Date of Pronouncement	:	26.11.2025

आदेश / O R D E R

PER SHRI S. BALAKRISHNAN, ACCOUNTANT MEMBER:

1. This appeal is filed by the assessee against order of Learned Commissioner of Income Tax (Appeals), National Faceless Appeal centre, Delhi [hereinafter in short "Ld.CIT(A)"] vide DIN & Order No.

ITBA/NFAC/S/250/2024-25/1073075512(1) dated 10.02.2025 for the A.Y.2017-18 arising out of the order passed under section 143(3) of Income Tax Act, 1961 (in short 'Act') dated 18.12.2019.

2. At the outset, it is noticed from the appeal record that there is a delay of 82 days in filing the appeal before the Tribunal. Explaining the reasons for belated filing of the appeal, the Ld. AR drew our attention to the affidavit filed by the assessee along with a petition seeking for condonation of delay and read out the contents of the petition which is as under: -

1. The order of the learned Commissioner of Income Tax (Appeals) was passed on 10.02.2025. As such, the appeal against this order ought to have been filed on or before 30.04.2025. However, the appeal could be filed only on 10.07.2025 resulting in a delay of 82 days in filing the appeal.

2. The appellant is a house wife. Her husband, Sri V. Satyanarayana is a farmer and has only agricultural income. He disposed of certain agricultural lands and received sale proceeds in cash. Before the amount could be invested in purchase of another agricultural land, the Government declared demonetization and hence Sri V. Satyanarayana deposited the amount in the bank account held jointly with appellant.

3. Assessment in the case of the appellant was initiated on the ground that there were cash deposits in the bank account during the demonetization period. The assessing officer did not accept the sale proceeds as source of the deposits on the ground that there was a gap of 8 months between the sale of lands and deposit in bank account. Accordingly, the assessing officer vide order dt. 18.12.2019 made addition of the cash deposits of Rs.71,75,000 u/s 69A of the Act.

4. The appellant filed appeal against the assessment order on 17.01.2020 within the stipulated time. Subsequently due to the covid pandemic situation, restrictions of various kinds imposed by the Government prevailed till the end of the year 2021. Therefore, the appellant was not aware of the initial hearing notices issued on 05.02.2021 and 30.03.2021. Appellant is not educated and dependent on her husband. It was her husband Sri V. Satyanarayana who pursued the assessment proceedings as well as filing of appeal against the assessment order. He is 70 years old and is suffering from COPD i.e. damage of air sacs in the lungs. He suffers often from shortness of breath, cough and fatigue and has to be admitted in hospital for treatment with oxygen supplements, diuretics, platelets, antibiotics etc. He was affected with COVID and after that the COPD

aggravated. Sri V. Satyanarayana was admitted in ICU several times during the year 2024 and 2025 (copy of discharge summary is enclosed herewith). As such, he could not follow up the notices issued by the learned Commissioner of Income Tax (Appeals) on 01.10.2024, 25.01.2025 and the last hearing notice issued on 30.01.2025. For the same reasons, the order passed by the learned Commissioner of Income Tax (Appeals) on 10.02.2025 was not noticed.

5. *The appellant came to know about the order of the learned Commissioner of Income Tax (Appeals) when she received a call from the Income tax officer during the last week of June, 2025 regarding the recovery of outstanding demand. As soon as the appellant came to know about the order, she took necessary steps and filed the appeal on 01.07.2025.*

6. *Thus, the delay in filing the appeal was due to the reasons explained above which were beyond the control of the appellant. The delay is neither intentional nor deliberate. Therefore, the appellant prays the hon'ble ITAT to condone the delay of 82 days in filing the appeal and pass appropriate orders in the interest of rendering substantial justice."*

3. On perusal of the contents of the affidavit filed by the assessee as well as the submission of the Ld.AR and medical certificate, we find that the assessee is prevented by a reasonable and sufficient cause in filing the appeal beyond the prescribed time limit with a delay of 82 days. Therefore, we hereby condone the delay of 82 days in filing the appeal before the Tribunal and proceed to adjudicate the appeal on merits in the following paragraphs.

4. Brief facts of the case are that, assessee being an individual filed return of income on 24.03.2018 admitting a total income of Rs.1,16,287/-. Subsequently, the case was selected for limited scrutiny through CASS to verify the cash deposits made during the year. As per the information obtained from banks in response to notice under section 133(6) of the Act, Ld. Assessing Officer [hereinafter in short "Ld. AO"] noticed that assessee has made cash deposits to the tune of Rs.71,75,000/- from 19.11.2016 to 30.11.2016. Accordingly

statutory notices under section 143(2) and 142(1) of the Act were issued and served on the assessee. In response, assessee furnished submission and submitted that husband of the assessee Sri Satyanarayana sold his agricultural lands, i.e, on 18-09-2015, 06-11-2015, 27-01-2016 and received sale consideration to the extent of Rs.89,00,000/-. As the family of the assessee searching for suitable lands and have the string intention to purchase agricultural lands, they retained the cash with them and not deposited in any bank upto November, 2016. Since their efforts were not materialized till November, 2016 and due to the demonitization announced by the Government, the family was forced to deposit the amount of Rs.71,75,000/- into the Bank account, which is a joint account maintained by the assessee along with her husband. Further, the assessee submitted that out of the amount deposited in Bank of Rs.71,75,000/-, they have purchased lands on 17.11.2016 by investing an amount of Rs.41,75,000/- and the balance amount was invested in fixed deposits.

5. After considering the submissions of the assessee, Ld. AO did not accept the explanations observing that no prudent man will keep such a huge cash in his house without any proper investment for a period of more than 10 months. Thereafter, Ld. AO proceeded to complete the assessment under section 143(3) of the Act and determined the income of the assessee at Rs.72,91,287/- by making addition of cash deposits of Rs.71,75,000/- as unexplained money under section 69A of the Act.

6. On being aggrieved by the addition made by the Ld. AO, assessee filed an appeal before Ld. CIT(A). Ld. CIT(A) upheld the order of the Ld. AO since assessee has not responded to any of the notice / opportunities provided to the assessee.

7. On being aggrieved by the order of the Ld. CIT(A), assessee is in appeal before us by raising following grounds of appeal: -

“1. The order of learned Commissioner of Income Tax (Appeals) is contrary to the facts and also the law applicable to the facts of the case.

2. The learned Commissioner of Income Tax (Appeals) is not justified in sustaining the addition of Rs.71,75,000 made by the assessing officer u/s 69A of the Act towards unexplained cash deposits in the bank account of the appellant held jointly with her husband.

3. Any other ground that may be urged at the time of appeal hearing.”

8. At the outset, Ld. Authorised Representative [hereinafter “Ld.AR”] submitted that the Ld. CIT(A) has passed the order without providing sufficient opportunities to the assessee. He further pleaded that the assessee could not respond to the notices issued by the Ld. CIT(A). He therefore prayed for one final opportunity before Ld. CIT(A) to submit the relevant documents.

9. Per contra, Ld. Departmental Representative [hereinafter in short “Ld.DR”] strongly objected to the plea of the Ld.AR and vehemently argued that revenue has provided ample opportunities to the assessee as detailed in their respective orders. However, assessee has failed to comply with the notices issued by the Revenue Authorities. She therefore pleaded that the no further

opportunity should be granted and prayed for upholding the order of the Ld.CIT(A).

10. We have heard rival contentions and perused the material available on record. It is an undisputed fact that the assessee has not complied with the notices and has also not responded to the various notices issued to the assessee as detailed in the order of the Ld. CIT(A). Considering the facts and circumstances of the case, as well as the prayer of the Ld. AR and in the interest of justice, we hereby remit the matter back to the file of Ld. CIT (A) in order to consider the appeal afresh and decide the case on merits by providing one final opportunity to the assessee of being heard. Needless to say, that the assessee should cooperate with the remand proceedings failing which the Ld. CIT(A) is at liberty to decide the case based on the material available on record. Accordingly, the grounds raised by the assessee are statistically allowed.

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

Order pronounced in the open court on 26th November, 2025.

Sd/-

(रवीश सूद)

(RAVISH SOOD)

न्यायिक सदस्य/JUDICIAL MEMBER

Dated:26.11.2025

Giridhar, Sr.PS

Sd/-

(एस बालाकृष्णन)

(S. BALAKRISHNAN)

लेखा सदस्य/ACCOUNTANT MEMBER

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to:-

1. निर्धारिती/ The Assessee : **Velaga Siva Parvathi**
D.No. 13-152
Ramapura Colony, Poranki
Vijayawada - 521137
Andhra Pradesh
2. राजस्व/ The Revenue : **The Income Tax Officer**
Ward - 2(4)
Income Tax Office
CR Building, 1st Floor
M.G. Road, Vijayawada
Andhra Pradesh
3. The Principal Commissioner of Income Tax
4. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, विशाखापटणम /DR,ITAT, Visakhapatnam
5. The Commissioner of Income Tax
6. गार्डफ़ाईल / Guard file

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Visakhapatnam