

आयकर अपीलीय अधिकरण, विशाखापटणम पीठ, विशाखापटणम

**IN THE INCOME TAX APPELLATE TRIBUNAL
VISA KHAPATNAM "SMC" 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.438/VIZ/2025
(निर्धारण वर्ष/ Assessment Year:2017-18)**

Korada Raju D.No. 13-4-41/1 Phool Bagh Vizianagaram – 535002 Andhra Pradesh [PAN: DTWPK4542K]	Vs.	The Income Tax Officer -Ward (2) Income Tax Office Koppu Guarana Building Siddartha Nagar Vizianagaram – 535002 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	:	06.11.2025
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/250/2024-25/1064156843(1) dated 17.04.2024 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 28.12.2019.

2. At the outset, it is noticed from the appeal record that there is a delay of 381 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) in the case of the appellant was passed on 17.02.2024. As such, the appeal against this order ought to have been filed on or before 16.06.2024. However, the appeal could be filed only on 16.07.2025 resulting in a delay of 381 days in filing the appeal.

2. The appellant is a house wife and uneducated. Moreover, she is a senior citizen. Her husband is also uneducated and is doing petty jobs for their livelihood. During the financial year 2016-17, the appellant and her husband started a small business of welding and rod bending. The appellant filed the return of income for A.Y.2017-18 admitting total income of Rs.3,10,020. However, the business was stopped during the same financial year. As the appellant is uneducated, the Chartered Accountant gave his email account viz'ramskvzm@gmail.com' at the time of filing the return of income of appellant for A.Y.2017-18. This was the first and also the last return filed by appellant. The appellant did not have any income and is completely dependent upon her husband.

3. Assessment proceedings in the case of the appellant were initiated on the ground that there were cash deposits in the bank account of the appellant during the demonetization period. All the hearing notices were sent to the above said email account given in the return of income. The Chartered Accountant filed response to one of the notices seeking adjournment. However, he could not get the requisite information from the appellant and hence due to lack of necessary information did not respond to the notices issued subsequently. The assessing officer passed the assessment order on 28.12.2019 u/s 143(3) of the Act by making addition of Rs.16,94,121 towards unexplained cash deposits. The assessment order was also sent to the same email account. With the help of the Chartered Accountant, the appellant filed appeal against the assessment order on

06.02.2020. The appellant requested the Chartered Accountant to give his email account in the appeal papers. The Chartered Accountant filed the appeal and gave his email account. However, the option in Form 35 for not sending any communication to the email account was selected

4. The Chartered Accountant, whose email address was given in Form no.35, has a very large client base and his email account is flooded with so many mails received during the course of his profession. This is the specific reason as to why the option to receive the notice by email was not selected in Form no.35. However, he happened to see one notice dated 07.04.2022 sent by the learned Commissioner of Income Tax (Appeals) and sought adjournment in response to the said notice. The remaining notices skipped his attention and as such the learned Commissioner of Income Tax (Appeals) passed the order *ex parte* on 17.04.2024. This was also not seen by the Chartered Accountant.

5. While it is so, the appellant received a phone call in the second week of July, 2025 from the income tax officer regarding the payment of tax dues. At this point of time, the appellant visited the office of the Chartered Accountant and came to know about the order of the learned Commissioner of Income Tax (Appeals). Immediately, the appellant took necessary steps and filed further appeal before the hon'ble ITAT on 16.07.2025.

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 said delay of 381 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, 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 381 days. Therefore, we hereby condone the delay of 381 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 his return of income on 31.03.2018 admitting a total income of Rs.3,10,020/-. The

case was selected for complete scrutiny through CASS to verify “Cash deposit during demonetization period”. Accordingly, notice under section 143(2) of the Act dated 22.09.2018 was issued. As per the AIR information available in ITBA portal, assessee has made cash deposits in his bank accounts during demonetization period. Notice under section 133(6) was issued to the bank and in response banks has submitted the details as called for by the Ld. AO. Ld. AO noticed that Ld. AO has made cash deposits as follows:

Sl.No.	Name & Address of the Bank	Bank A/c. No.	Cash Deposited
1.	Canara Bank Chintavalasa Vizianagaram	31197660000006	16,94,121/-

5. Thereafter, Ld. AO issued various notices under section 142(1) of the Act requiring the assessee to submit the details and evidences required for the purpose of verification and examination of issue involved in the assessment proceedings. In response, assessee failed to furnish any explanation about the nature and source of cash deposits and not responded to the notices. Thereafter, Ld. AO proceeded to complete the assessment under section 143(3) of the Act based on the material available on record and information gathered from the bank and determined the income of the assessee at Rs.20,04,141/- by making addition of cash deposits of Rs.16,94,121/- 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 the 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 dismissing the appeal ex-parte.

3. The learned Commissioner of Income Tax (Appeals) ought to have held that the assessing officer is not justified in making addition of Rs.16,94,121 u/s 69A of the Act towards alleged unexplained.

4. Any other grounds may be urged at the time of 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 : **Korada Raju**
D.No. 13-4-41/1
Phool Bagh
Vizianagaram – 535002
Andhra Pradesh
2. राजस्व/ The Revenue : **The Income Tax Officer -Ward (2)**
Income Tax Office
Koppu Guarana Building
Siddartha Nagar
Vizianagaram – 535002
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