



आयकर अपीलीय अधिकरण 'ए' न्यायपीठ, लखनऊ।
**IN THE INCOME TAX APPELLATE TRIBUNAL
LUCKNOW BENCH "A", LUCKNOW**

श्री कुल भारत, उपाध्यक्ष एवं श्री आनादी नाथ मिश्रा, लेखा सदस्य के समक्ष
**BEFORE SHRI KUL BHARAT, VICE PRESIDENT AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

आयकर अपील सं/ ITA No.619/LKW/2025

निर्धारण वर्ष/ Assessment Year: 2016-17

Manoj Dwivedi 254, Chandra Lok Colony, Aliganj, Lucknow, Uttar Pradesh-226024.	v.	Income Tax Officer-3(1) Lucknow-New, Aayakar Bhawan, 5- Ashok Marg, Lucknow-226001.
PAN:AFGPD1753C		
अपीलार्थी/(Appellant)		प्रत्यर्थी/(Respondent)

अपीलार्थी कि और से/Appellant by:	Shri Ashwani Kumar, C.A.		
प्रत्यर्थी कि और से /Respondent by:	Shri Amit Kumar, CIT(DR)		
सुनवाई कि तारीख / Date of hearing:	05	01	2026
घोषणा कि तारीख/ Date of pronouncement:	15	01	2026

ORDER

PER KUL BHARAT, VICE PRESIDENT.:

This appeal, by the assessee, is directed against the order of the Learned Commissioner of Income-tax (Appeals)/National Faceless Appeal Centre (NFAC), Delhi dated 04.08.2025 pertaining to the assessment year 2016-17. The assessee has raised the following grounds of appeal: -

"1. That the Learned Court erred in law and facts of the case by not allowing the appeal.

2. That the Learned Court erred in law by not providing the reasonable opportunity of being heard through video conferencing even after requesting for the same.

3. That the Learned Court erred in law in the facts of the case by not condoning the delay in filing the appeal even after genuine hardships faced by the appellant on the medical grounds.

4. That the Learned Court erred in making an addition to the total income of the appellant in respect of the cash deposited in the accounts of the companies in which he is a director.

5. That when the Learned Court had accepted that the amounts of Rs.55,63,500/- lacs were deposited in the accounts of the three companies, addition made is bad in law.

6. That the amount of Rs.11,06,450/- incurred towards credit card bill payments from the bank was duly sourced from the various incomes of the appellant. However, the Learned Lower Court made an addition for the same, which is bad in law.

7. That the order passed is against the merit, circumstances and legal aspects of the case.

8. That the appellant seeks permission to modify and/or add any other grounds or grounds of appeal as the circumstances of the case might require or justify.”

2. The facts in brief are that the assessee is an individual and had filed his return of income for the A.Y. 2016-17 on 31.03.2018, declaring total taxable income at Rs.6,14,730/-. The case was taken up for scrutiny to verify the source of cash deposits during the demonetization. In response to the notices issued u/s 143(2) and 142(1) of the Income Tax Act, 1961 (“Act”, for short), there was no representation on behalf of the assessee. Therefore, the Assessing Officer (“AO”) proceeded *ex parte* to the assessee and assessed income at Rs.71,92,000/- making two additions, i.e. the amount deposited in the bank account of Rs.55,63,500/- and the expenditure incurred through credit card of Rs.11,06,450/-. Aggrieved by this, the assessee preferred appeal before the Ld. CIT(A), who dismissed the appeal *ex parte* to the assessee purely on the ground of limitation. Now the assessee is in appeal before this Tribunal.

3. At the outset, the Ld. Counsel for the assessee contended that the Ld. CIT(A) dismissed the appeal without appreciating the facts in the right perspective. He further submitted that the Ld. CIT(A) failed to condone the delay, which had occurred due to the

“reasonable cause.” He also submitted that if an opportunity is granted to the assessee, he would substantiate and explain the source before the lower authorities regarding the amount deposited in the bank accounts of the companies in which the assessee was a director. Thus, he prayed that the delay may kindly be condoned and matter may be restored back to the file of the Id. CIT(A) with the directions to decide the appeal on merits by passing a speaking order

4. On the other hand, the Ld. Departmental Representative (DR) opposed the submission and supported the orders of the lower authorities.

5. Heard the Ld. Representatives of the parties and perused the materials available on records. There is no dispute that there was an inordinate delay in filing the appeal before the Ld. CIT(A). The assessee has attributed the delay to mainly two reasons. Firstly, it is contended that the impugned order was served by the Assessing Officer on the *e-mail ID* of an employee of one of the companies in which the assessee was a director; however, the said employee had already left the job on account of liquidation of the company. Secondly, it is submitted that the assessee was suffering from serious illness and had to leave Lucknow for medical treatment at Kolkata. In support of these submissions, the assessee has filed an affidavit. However, the Ld. CIT(A) rejected the assessee’s plea for condonation of delay by observing as under

“2.1. The ground for condonation of delay filed by the appellant in Column 13 of Form 35, is as below: -

“The Email given in the profile at CPC portal was of an employee with one of Companies in which appellant was director who had left employment and the offices of the companies were also closed due to sickness. The appellant was also medically unwell and was in Kolkata for treatment.

The appellant did not receive any notices as mentioned in order passed by the Ld. Assessing Officer Dated:18-12-2018. Further, the appellant received Notice vide DIN:ITBA/Rcv/F/17/2022-23/1047606261(1) dated:23-11-2022 through which he got to know that an outstanding demand is pending for the said assessment year."

2.2. *The appellant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about judicial/appeal proceedings pending with the Income Tax Authorities against him or initiated at his instance. After employing the Authorised Representative, the litigant cannot afford to exhibit such a lackadaisical approach and forget everything about the assessment proceedings.*

2.3. *In this case, I rely on the decision of Hon'ble Delhi High court in Moddus Media Pvt Ltd vs. M/s. Scone Exhibition Pvt Ltd (RFA 497/201 dated 18 May 2017).*

2.4. *The Ld. Appellate Tribunal, Cochin, in Catholic Syrian Bank Ltd vs The DCIT (TDS), CPC, Ghaziabad in ITA Nos. 341-345/Coach/2018 dated 08.10.2018, is worth mentioning (emphasis supplied):*

"It was submitted that the delay is to be covered in favour of the assessee. This submission ignores the fact that the object of the law of limitation is to bring certainty and finality to litigation. This is based on the Maxim "interest reipublicae sit finis litium i.e. for the general benefit of the community at large, because the object is every legal remedy must be alive for a legislatively fixed period of time. The object is to get on with life, if you have failed to file an appeal within the period provided by the Statute. It is for the general benefit of the entire community so as to ensure that stale and old matters are not agitated and the party who is aggrieved by an order can expeditiously mover higher forum to challenge the same, if he is aggrieved by it. As observed by the Apex Court in many cases, the law assist those who are vigilant and not those who sleep over their rights as found in the Maxim "Vililantibus Non Dormientibus Jura Subveniunt".

2.5. *A similar view has been taken on an identical scenario by the Id. Appellate Tribunal, Mumbai, in Lakshya Global Logistics Pvt. Ltd vs DCIT, CPC TDS, Ghaziabad (I.T.A. No. 6979-6984/Mum/2017 dated 23.01.2019).*

2.6. *The Hon'ble Supreme Court in Basawaraj vs The Spl Land Acquisition Officer (Civil Appeal No. 6974 of 2013, dated 22.08.2013) observed as under (emphasis supplied):*

"13. The Statute of Limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale..... An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches."

2.7. *In the present case, after analysing the fact and circumstances of the case, it is clear that the delay in filing appeal by the appellant is purely an act of negligence or a deliberate overlooking. Hence an inordinate delay of 1426 days which cannot be condoned in the light of the above discussion of facts and circumstances.*

2.8. *In view of the above, the delay in filing the appeal is not condoned."*

6. From the above, it is clear that the Ld. CIT(A) failed to take into consideration the plea of ill-health and serious illness of the assessee as well as other relevant factors, while deciding the issue of condonation of delay. Under the facts of the present case, we deem it fit and proper and to sub-serve the interest of principles of natural justice to set aside the impugned order and restore the grounds of the appeal to the Ld. CIT(A) for deciding the grounds afresh after verifying the correctness of the claim of the assessee. Needless to say that the assessee would provide all the information which is relevant and necessary for adjudication of grounds of appeal. Grounds raised in this appeal are allowed for statistical purpose.

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

Order pronounced in the open Court on 15/01/2026.

Sd/-
[आनादी नाथ मिश्रा]
[ANADEE NATH MISSHRA]
लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-
[कुल भारत]
[KUL BHARAT]
उपाध्यक्ष/VICE PRESIDENT

DATED: 15/01/2026

Vijay Pal Singh, (Sr. PS)

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. DR
5. Guard File

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