

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI “B” BENCH: NEW DELHI**

**BEFORE SHRI YOGESH KUMAR U.S, JUDICIAL MEMBER &  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No.2695/Del/2025**

**[Assessment Year : 2020-21]**

Horizon HGE Electronic equipment India Pvt.Ltd., 1 <sup>st</sup> Floor, AWHO, Sector-29, Noida Sector-37, S.O- Gautam Budh Nagar, Uttar Pradesh-201303. <b>PAN-AACCH0704R</b>	vs	DCIT Circle-10(1) New Delhi
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Assessee by</b>	Shri Satyen Sethi, Adv. & Shri A.T.Panda, Adv.	
<b>Revenue by</b>	Shri Rajesh Kumar Dhanesta, Sr.DR	
<b>Date of Hearing</b>	19.11.2025	
<b>Date of Pronouncement</b>	16.01.2026	

**ORDER**

**PER MANISH AGARWAL, AM :**

The present appeal is filed by the assessee against the order dated 05.03.2025 by Ld. Commissioner of Income Tax (A)/ADDL/JCIT(A)-5, Kolkata [“Ld. CIT(A)”] in Appeal No. ADDL/JCIT(A)-5 Kolkata/10001/2019-20 passed u/s 250 of the Income Tax Act, 1961 [“the Act”] arising from the intimation order dated 18.12.2021 passed u/s 143(1) of the Act pertaining to Assessment Year 2020-21.

2. Brief facts of the case are that the assessee is a company, derived income from business and filed its return of income on 14.10.2020, declaring total income of INR 2,42,00,780/- and paid taxes in terms of the concessional rate of tax provide u/s 115BAA

which was denied by CPC in the intimation order passed u/s 143(1) of the Act for the reason that Form 10-IC was filed delayed.

3. Against the said order, assessee filed an appeal before Ld. CIT(A) who vide impugned order dated 05.03.2025, partly allowed the appeal of the assessee wherein the AO was directed to charge tax @ 25% plus charges and cess as the gross receipt of the assessee was less than INR 400 crores however, concessional rate of tax u/s 115BBE was not allowed as the Form 10IC was filed delayed.

4. Aggrieved by the order of Ld.CIT(A), assessee is in appeal before the Tribunal by taking following grounds of appeal:-

1. *“On the facts and in the circumstances of the case, the learned Addl/JCIT (A) erred on facts and in law in not accepting the Appellant's claim that it should have been taxed at the concessional rate as per section 115BAA of the Income Tax Act, 1961 ('the Act').*
2. *The learned Addl/JCIT (A) erred on facts and in law in holding that the Appellant was not entitled to be taxed under section 115BAA of the Act because the Appellant did not appear to have applied for condonation of delay to the CCIT.*
3. *The learned Addl/JCIT (A) erred on facts and in law in not taking notice of several judicial precedents cited by the appellant to support the proposition having declared its intention to opt for section 115BAA the Appellant could not be disentitled to the benefit merely because its failure to file the Form 10-IC caused by technical problem.*
4. *The learned Addl/JCIT (A) erred on facts and in law in not appreciating that the Appellant, being unable to upload it on the portal, had submitted Form 10-IC to the AO via email.”*

5. Heard the contentions of both parties and perused the material available on record. The assessee claimed that due date for filing Form 10-IC was extended by CBDT Circular No.6/2022 dated

17.03.2022 upto 30.06.2022. The assessee availed this opportunity and tried to file the Form 10IC through online portal however, the report filed by the assessee was not accepted in online portal and necessary copy of the screenshot was filed at pages 05 to 17 of PB filed by the assessee. It is the claim of the assessee that the delay in filing the form 10IC is beyond the control of assessee and therefore, the benefit of concessional rate of tax u/s 115BBE should be allowed to it. In support of his claim, the assessee placed reliance on the following judgements:-

- (i) *Odyssey Corporation Ltd. vs DCIT [ITA No.807/Mum/2025] dated 30.06.2025;*
- (ii) *Mangal Tirth Estate Ltd. vs ITO [ITA No.30/Chy/2025 dated 07.07.2025]; and*
- (iii) *KN Support Services (P.) Ltd. vs DCIT [2025] 178 taxmann.com 368 (Del.)*

6. It is observed that when no resolution was given by CPC, the assessee through e-mail dated 29.06.2022, mailed Form 10-IC alongwith grievance raised before CPC to the AO which are available at page 18 to 34 of the PB. Once the assessee has filed Form 10-IC within the extended due date through physical mode or via mail to AO as filing the same online was beyond its control, assessee should not be deprived of the legal benefit available to it. Accordingly, we direct the AO to allow the benefit of section 115BAA of the Act and charge tax at concessional rate of as per said section. Accordingly, all the grounds raised by the assessee are allowed.

7. In the result, the appeal of the assessee is allowed.

Order pronounced in the open Court on 16.01.2026.

**Sd/-**

**Sd/-**

**(YOGESH KUMAR U.S)  
JUDICIAL MEMBER**

**(MANISH AGARWAL)  
ACCOUNTANT MEMBER**

**Date:- 16.01.2026**

*\*Amit Kumar, Sr.P.S\**

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ASSISTANT REGISTRAR  
ITAT, NEW DELHI