

IN THE INCOME TAX APPELLATE TRIBUNAL “G” BENCH, MUMBAI

**BEFORE SHRI SAKTIJIT DEY, VICE PRESIDENT AND
SHRI JAGADISH, ACCOUNTANT MEMBER**

ITA Nos.	Assessment years
7374/Mum/2025	2014-15
7375/Mum/2025	2015-16
7376/Mum/2025	2016-17
7377/Mum/2025	2014-15
7378/Mum/2025	2015-16
7379/Mum/2025	2016-17

Shankerlal Namomal Jarani Prop. Martina Food Products, Plot No. 8, Industrial Area, Pawai, Industrial Area, Ulhasnagar-421 004 Dist. Thane	Vs.	ITO Ward 2(2) 2 nd Floor, Mohan Plaza, Wayale Nagar, Khadakpada, Kalyan-421 301
PAN/GIR No. AFPPJ 4767 D		
(Appellant)	:	(Respondent)
Appellant by	:	Shri Bhavik Chheda
Respondent by	:	Shri Swapnil Choudhari
Date of Hearing	:	22.01.2026
Date of Pronouncement	:	22.01.2026

ORDER

Per Bench:

Captioned appeals by the same assessee arise out of separate orders, all dated 09.10.2025, passed by National Faceless Appeal Centre (‘NFAC’ for short), Delhi, pertaining to the assessment years (A.Ys. for short) 2014-15, 2015-16 and 2016-17.

2. ITA Nos.7377, 7378 & 7379/Mum/2025, arise out of quantum proceedings, whereas, ITA Nos. 7374, 7375 and 7376/Mum/2025, arise out of penalty proceedings u/s. 271(1)(c) of the Income Tax Act, 1961 (‘the Act’ for short). Since, the appeals involve common facts and issues, they have been clubbed together and disposed of in a combined

order, for sake of convenience. The primary grievance of the assessee is against dismissal of appeals in limine on the ground of delay.

3. Briefly the facts are, the assessee is a resident individual. For the assessment years under dispute, the assessee had filed his return of income u/s. 139(1) of the Act, which were processed u/s. 143(1) of the Act. Subsequently, based on information received indicating that income assessable to tax in the relevant assessment years have escaped assessment, the Assessing Officer (A.O. for short) initiated proceedings u/s. 147 of the Act and ultimately passed orders making additions in all the assessment years under appeal. Based on the additions made in assessments, the A.O. initiated proceedings for imposition of penalty u/s. 271(1)(c) of the Act and ultimately passed orders imposing penalty of various amounts in different assessment years under appeal.

4. Against the assessment orders passed, as also the orders imposing penalty u/s. 271(1)(c) of the Act, the assessee preferred appeals before the first appellate authority. However, appeals were filed with delay.

6. Before the first appellate authority, the assessee explained the reasons for delay and sought condonation. However, the first appellate authority was not satisfied with the reasons shown by the assessee. Accordingly, he dismissed all the appeals in limine on account of delay without going into the merits.

7. We have heard the parties and perused the materials on record. Before us, Id. Counsel appearing for the assessee reiterating the stand taken before the first appellate authority submitted that the assessee is a Senior Citizen of about 68 years and was chronically ill due to various medical conditions. He submitted, despite such medical

conditions, though, the assessee had availed the services of a tax consultant, however, due to misunderstanding and miscommunication, the concerned tax consultant did not take timely steps to file the appeals. He submitted, the non-filing of appeals in time was not due to any deliberate laches and negligence on the part of the assessee, but due to bonafide reasons. To substantiate the reason for delay in filing the appeals, Id. Counsel has furnished and sworn Affidavits of Mr. Sunil Gagandas Dawani, the tax consultant of the assessee and that of the assessee. The Id. Counsel has also furnished before us voluminous medical documents to demonstrate that the assessee was suffering from various ailments and was continuously under medical treatment.

8. Having considered rival submissions and perused the materials on record and more particularly, the affidavits of the assessee and his tax consultant as well as the medical records, we are convinced that the assessee was prevented by reasonable cause in filing the appeals before the first appellate authority within the period of limitation prescribed under the statute. Therefore, the delay was not due to any deliberate laches and negligence of the assessee but on account of bonafide reasons. On going through the assessment orders, we have further noted that they were passed by invoking the provisions of section 144 of the Act. The additions made are on account of cash deposits made in the bank account. Thus, it is patent and obvious that the assessee could not explain the source of cash deposits due to lack of opportunity to furnish the supporting evidence, for whatever may be the reason. Before the A.O., the assessee was prevented from contesting the additions as well as imposition of penalty on merits. Before the first appellate authority also the appeals were dismissed on the ground of delay. Thus, in our view, the assessee deserves an opportunity to furnish supporting evidence to contest the additions made as also the penalty imposed

based on such additions. For enabling the assessee to do so, we set aside the impugned orders of learned first appellate authority with a direction to condone the delay and adjudicate the appeals on merits after providing reasonable opportunity of being heard to the assessee. Further, we direct the assessee to diligently comply with the notice of hearing to be issued by learned first appellate authority and co-operate in finalizing the proceedings. With the aforesaid observations, grounds are allowed for statistical purpose.

9. In the result, all the appeals are allowed for statistical purpose.

Order pronounced in the open court on 22.01.2026

Sd/-

Sd/-

(Jagadish)

(Saktijit Dey)

Accountant Member

Vice President

Mumbai; Dated : 22.01.2026

Roshani, Sr. PS

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT - concerned
5. DR, ITAT, Mumbai
6. Guard File

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai