



सत्यमेव जयते

IN THE INCOME TAX APPELLATE TRIBUNAL, PANAJI BENCH, GOA

BEFORE HON'BLE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

AND

SHRI G. D. PADMAHSHALI, ACCOUNTANT MEMBER

ITA No. 169 to 171/PAN/2025

Assessment Years: 2011-12, 2012-13 & 2014-15

Union Bank of India

(Erstwhile Corporation Bank)

Union Bank Bhavan,

239, Vidhan Bhavan Marg,

Nariman Point, Mumbai. (Mah)

PAN: AAACU0564G **TAN:BLRU04750E.**

..... Appellant

V/s

Dy. Asstt. Commissioner of Income Tax,

TDS Circle, Panaji, Goa.

..... Respondent

Represented

Assessee by: Mr C Naresh ['Ld. AR']

Revenue by: Ms Rijjula Uniyal ['Ld. DR']

Date of conclusive Hearing : 08/01/2026

Date of Pronouncement : 14/01/2026

ORDER

PER G. D. PADMAHSHALI;

The captioned bunch of appeals are filed u/s 253(1)

of the Income-tax Act, 1961 [**the Act**] challenges

respective separate orders passed by the National

Faceless Appeal Centre, Delhi [**Ld. NFAC**] u/s 250 of



the Act involving three assessment years 2011-12, 2012-13 & 2014-15 [**AYs**] which in turn respectively emanated out of separate orders passed by the Dy./Asstt. Commissioner of Income Tax, TDS Circle, Panaji Goa [**Ld. AO**] u/s 201(1)/201(1A) of the Act.

2. Since facts involved in this bunch of appeals and issue dealt therein are common & identical and since arising out of a common survey carried out u/s 133A of the Act, on rival party's common request these appeals for the sake of brevity & convenience are heard together for being disposed-off by this common & consolidated order.

3. In advancing these matters together, the first appeal ITA No. 169/PAN/2025 is taken as lead case, resultantly our adjudication laid in succeeding paragraphs shall *mutatis-mutandis* apply to remaining two appeals and be read as such.



4. Tersely stated common facts arising out of the case records are that;

4.1 The 'Samadevi Galli, Belgum Branch of Corporation Bank', [**assessee branch**] was operating as a registered branch of Public Sector Bank namely the Corporation Bank [**assessee**]. The assessee branch was registered with the Revenue as tax deductor to which it allotted a Tax Deduction & Collection Account Number [**TAN**]: **BRLC05017F**. To ascertain compliance with provisions of Chapter XVII by the assessee branch i.e. deduction & collection of taxes at source [**TDS**], the Revenue conducted a survey/spot verification u/s 133A of the Act on the assessee branch on 03/10/2017 to 04/10/2017. The survey/spot verification revealed certain discrepancies in compliance of applicable provisions of Chapter XVII of the Act, which were confronted to the assessee branch for negation.



4.2 Considering the nature of non-compliance, statement of assessee branch manager recorded u/s 131 of the Act and submission filed by the assessee in response to show cause & other notices, the Ld. AO u/s 201(1) of the Act held the assessee as **'assessee in default'** for failure to deduct TDS from payment/credit of interest to its customers/clients etc., under two categories viz; (a) payment/credit of interest exceeding ceiling of ceiling ₹10,000/- made to customers/depositors without deducting therefrom a TDS u/s 194A r.w.s. 197A of the Act r.w.s. rule 29C of the Income Tax Rules, 1962 ['the rules'] where assessee branch defaulted in obtaining Valid Form No 15G/15H as applicable [**'first default'**] and (b) payment/credit of interest to depositors/customers exceeding ceiling of ₹10,000/- without deducting therefrom a TDS u/s 194A of the Act [**'second**



default’]. In addition to above a default in depositing the deducted TDS to the credit of ‘*ex-chequer*’ within the time limit prescribed was also identified.

4.3 As a result of former action, the assessments u/s 201(1) & 201(1A) of the Act for three AYs under consideration were framed separately on 27/03/2018, 27/03/2019 & 05/03/2021 whereby a liability towards payment of taxes for both the former defaults and towards consequential interest payable thereon u/s 201(1A) of the Act were determined by the Ld. AO which is tabulated as under;

ITA No	Assessment Year	Default as per para 4.1 above	Total Amount of Interest paid without deduction of Tax u/s 194A	Total amount of Non/short Deduction of TDS (Defaulted)	Interest levied u/s 201(1A) of the Act	Total Liability Determined for the AY by the Ld. AO
1	2	3	4	5	6	7 (5+6)
169/PAN/2025	2010-11	First Default	51,56,153	10,31,231	8,97,144	19,28,375
		Second Default	2,17,24,095	43,44,819	37,79,976	81,24,795
170/PAN/2025	2011-12	First Default	3,37,15,200	33,71,520	30,51,226	64,22,746
		Second Default	-	-	-	-
171/PAN/2025	2014-15	First Default	1,11,99,271	11,02,864	10,47,721	21,50,585
		Second Default	39,63,624	-	1,30,001	1,30,001



4.4 As a part of larger consolidation of public sector banks, the assessee Corporation Bank (along-with all its branches) merged into 'Union Bank of India' [**'UBI'**] w.e.f. 01/04/2020. As a result, all branches, customers, and operations of erstwhile Corporation Bank [**'CB'**] became part of UBI. In consequence, the assessee branch commenced operating as the Branch of UBI w.e.f. 01/04/2020 which later applied for and allotted of new TAN : **BLRU04750E**. The earlier **TAN: BRLC05017F** allotted to assessee branch against which aforesaid assessments were framed is also continued and as confirmed by the appellant from 'Traces-Report' and solidified by the Revenue from records that said **TAN** is still active as on this date.

4.5 Aggrieved by the orders of Ld. AO, the deductor assessee branch of CB contested against the levy & recovery of penalty for short deduction / non-



deduction of TDS and imposition of interest in appeal before Ld. NFAC u/s 246A(1)(ha) of the Act, but remained unsuccessful.

4.6 Aggrieved by the separate orders of Ld. NFAC passed u/s 250 of the Act, the merged/amalgamated assessee bank [**appellant**] came in present bunch of appeals with a delay of 803 days (as endorsed by registry) from the expiry of time limit within which these appeals u/s 253(1) were required to be filed.

5. At the outset of hearing, candidly accepting that the said delay is inordinate, the Ld. AR C Naresh, however submitted that, the substantial part of said delay is attributable to appellant's unawareness about culmination of first appellate proceedings and passing of impugned orders. It was also contended that, although the impugned orders were passed way-back in January, 2023 but the appellant came



to know about their dismissal by Ld. NFAC only when tax recovery proceedings were initiated by the Ld. AO, until then the appellant was under a belief that proceedings before first appellate were still pending. In support of this claim, the appellant relied the recovery notices issued by Ld. AO whereby *'pending the disposal of first appeals by Ld. NFAC'* at least 20% of disputed tax was requested for immediate payment. To buttress 'sufficiency' of former twofold reasons, it was mentioned that, owing to corporate restructure pursuant to merger of then CB with UBI, the taxation department was centralised at Mumbai for better supervision & compliance. The appellant's centralised tax department was responsible for filing appeals in time however in absence of information relating to disposal of first appeals, the same could not be filed in time and such was undeliberate.



6. To lift the belief up for condonation, the appellant submitted the affidavit of executive director who confirmed the reasoning deposed by the Dy. General Manager-taxation. The Dy. GM primarily deposed that said delay is solitarily attributable to appellant's unawareness of impugned orders. The circumstantial reasons of affidavit are such that; (a) amalgamation of CB with UBI & consequent centralisation of tax department for compliance (b) transfer of the officials of the branch consequent on amalgamation resulting into non-intimation to central office handing taxation matters (c) centralisation of TAN and transitional issues connected therewith (d) uploading of orders on the Income Tax portal whereas the operations are done at Traces Portal provided for TDS compliances etc., and (e) collating of information of thirteen year old records from the merged assessee branch.



7. To inspire the bench that, length of delay should not be sole attribute in deciding as to whether same should be condonable or not, the Ld. AR *inter-alia* pressed into service '*Mool Chandra Vs UOI & Anrs.*' [2025, 1 SCC 625 (SC)]. As against the claim that appellant did not receive physical copy of impugned orders and passing of orders were not within the knowledge of the appellant until tax recovery proceedings were initiated, the appellant placed strong reliance respectively on '*Meda Raja Kishor Raghuramy Reddy Vs ACIT*' [160 taxmann.com 416 (Panaji-Tribunal)] and '*Senior Bhosale Estate (HUF) Vs ACIT*' [2019, 112 Taxmann.com 134 (SC)].

8. *Au contraire*, the Ld. DR Uniyal strongly objected the condonation petition & prayer of the appellant. It was refuted that, the basic facts of the case under consideration are ostensibly mis-stated & incorrectly



represented by the appellant. Drawing our attention to appeals memo i.e. Form No. 36, from point 3(b & c) it was pointed out to the bench that, the appellant while filing these appeals have already confirmed the fact that impugned orders were duly served upon or communicated to it on very same day when they were passed. Referring to notarised affidavit of executive director of the appellant bank (dt. 1st Jan, 2026), it was argued that all the more, the executive director similarly deposed on same line confirming the service of impugned orders on even day of their passing by the Ld. NFAC. Therefore the case laws relied in relation to non-receipt of impugned orders or it's ignorance of any such orders were passed or passing of such orders were not within appellant's knowledge until recovery proceedings were triggered are not applicable, therefore can't come to its rescue.



9. On the circumstantial reasons advanced by the appellant and *de facto* claiming them to be ‘*sufficient cause*’ in seeking condonation, the Ld. DR revisited the affidavit of Dy. General Manager and submitted that, the appellant’s sole buckler is that, it was pre-occupied with amalgamation & consequential centralisation of tax operations etc. It is to be noted that, the assessment orders were passed respectively on 27/03/2018, 27/03/2019 & 05/03/2021 and first appeals filed thereagainst were disposed by separate impugned orders in January 2023, whereas the amalgamation/merger came into effect in the year 2020. It is thus clearly palpable on the face of the records that, latest assessment & all impugned orders were passed much after the restructuring was effected. There is hardly any material placed on record to suggest that said corporate restructuring



per-se had prevented the appellant from filing these appeals in time. The appellant in indeed failed to demonstrate any reason/cause and bonafide imputables in filing these appeals beyond the prescribed time limit. On the other hand laid no material to prove absence of negligence on its part. Insofar as test of sufficiency is concerned, the Ld. DR contended that, sufficiency of stated reasons are to be vouched having regard to the fact that appellant isn't a village farmer, or an individual or a small-town establishment to claim inaccessibility to infrastructure, battery of counsels, trained human resource & inhouse tax experts etc. *Per contra*, its being a multinational commercial PSU bank was to adhere stricter corporate governance, therefore an invigilance on its part in pursuing pending tax litigation clearly exhibited lackadaisical propensity.



10. Without touching grounds of appeal and going into merits of these cases, we have heard rival party's common submissions on delay in instituting these appeals, reasons & sufficiency thereof and subject to rule 18 (supra) perused material placed on record and considered the facts in the light of settled position of law which are forewarned to the respective parties for rebuttal.

11. We note that, the first appellate orders for three assessment years under consideration [‘impugned orders’] were respectively passed by Ld. NFAC on 27/01/2023, 31/01/2023 & 27/01/2023 and the appellant [as stated in Form No 36] has confirmed to have communicated/served them to it on the even date. The separate appeals against such impugned orders are instituted u/s 253(1) of the Act on 11/06/2025 [date on receipt of appeal by the



Registry]. Therefore the registry endorsed a delay of 803 days in all these appeals. The appellant however claimed to have instituted these three appeals on 10/06/2025, therefore computed & admitted to have filed the present bunch of appeals with a delay of 802 days from the expiry of period of limitation in terms of pre-amended provision of s/s (3) of section 253 of the Act.

12. In terms of pre-amended provisions of s/s (3) of section 253 of the Act, every appeal u/s 253(1) or 253(2) of the Act before the Appellate Tribunal is required to be filed *‘within sixty days of the date on which order sought be appealed is communicated to the assessee’*. W.e.f. 01/10/2024 the period of limitation rationally amended from sixty days to a period of *‘two months from the end of the month in which order sought to be appealed is communicated to*



the assessee'. The rival parties are not in dispute on computation of delay as to whether it should be *qua* post amendment or *qua* pre amendment provisions of s/s (3) (supra), therefore we advanced the hearing to vouch the reasons & sufficiency on the strength of material placed on records, arguments & counter arguments advanced and case laws relied upon.

13. As admitted found that, the present appeals are filed with delay of 802/803 days beyond the applicable statutory time period, hence barred by limitation as prescribed by s/s (3) of section 253 of the Act. The admission of these appeals in terms of s/s (5) of section 253 of the Act, are therefore subject to condition that, the appellant for a 'reason/cause' was prevented from instituting the present appeals within prescribed time limit and further establishes satisfactorily 'sufficiency' therefore for condonation.



14. The sum & substance of appellant case is that, owing to two bullet reasons the present bunch of second appeals could not be instituted before Tribunal within the prescribed time limit in terms of s/s (3) of section 253 of the Act and such reasons precisely are (a) unawareness of passing of impugned orders and (b) appellant's pre-occupation with large scale corporate restructuring (merger) and consequential post synergic consolidation & synchronisation of all its operation including tax-management etc. To fuel that former twin reasons clearly forms a 'sufficient cause' thus qualifies for delay condonation; the appellant placed its strong reliance on catena of judicial precedents. *Per contra*, the Revenue set fire to the appellant's plea by contended that, condition required for condonation aren't made out by the appellant.



15. Now before vouching ‘sufficiency’ of reasons put forth by the appellant, we deem it apt to first quote core principles on the subject which are culled out by the Hon'ble Supreme court in ‘*Esha Bhattacharjee Vs Managing committee of Raghunathpur Academy and Ors*’ reported in [2013, 9 SCR 782 (SC)];

(a) *Lack of bonafied imputable to a party seeking condonation of delay is a significant and relevant fact;*

(b) *The concept of liberal approach has to encapsulate the **conception of reasonableness** and totally unfettered free play is not allowed;*

(c) *The **conduct, behaviour and attitude of a party** relating to its negligence cannot be given a total go-bye in the name of liberal approach.*

(d) *If the explanation offered is concocted or grounds urged in the **applications are fanciful**, the Courts should be vigilant not to expose the other side unnecessarily to face such litigation.*

(e) *It is to be borne in mind that no one gets away with **fraud, misrepresentation or interpolation** by taking recourse to the technicalities of the law of limitation.*

(f) *An application for condonation of delay should be drafted with **careful concern and not in a haphazard manner** harbouring notion that Courts are required to condone delay on bedrock of principle that adjudication of lis on merits is seminal to justice dispensation system;*



*(g) The increasing tendency to perceive the **delay as a non-serious matter** and hence **lackadaisical propensity** can be exhibited in a nonchalant manner requires to be curbed, of course, with legal parameters.*

(Emphasis supplied)

16. First thing first, as we already noted from the appeal memos that, while instituting these three appeals the appellant by subscribing the verification have already confirmed that the impugned orders were duly communicated to it or served to it on the very same day when they were passed u/s 250 of the Act by the Ld. NFAC. The executive director of the appellant bank responsibly deposed and confirmed the said facts in his affidavit. In view thereof, the facts stated in the course of hearing are factually incorrect, remained unfounded and perverse. Since before the expiry of limitation period it was well within the knowledge of appellant that, impugned orders were dismissed/disposed off, therefore the case laws cited in relation thereto could hardly of any help to the



appellant, rather they shall apply & operate against the appellant. In consequence finding force in the counter arguments of the Revenue we reject the appellant's common argument whereby it denied to have prior knowledge of disposal/dismissal of first appeals giving no relief to the appellant against the assessments.

17. Next comes to inordinate delay, quoted 'reasons' behind such delay and sufficiency thereof so as to qualify for condonation in the light of settled position law.

Length of Delay

18. For an inordinate delay of 802 days in instituting the present bunch of appeals, the appellant's plea completely inspired the bench that length of delay can never be sole determinant in deciding as to whether it is condonable or not, but the reasons &



their sufficiency together does. It is well accepted by the Hon'ble Courts that the true length of delay is no matter, the acceptability of explanation is the only criteria in vouching '*sufficiency of cause/reasons*' as the primary function of quasi-judicial authority is to adjudicate dispute between parties to advance substantial justice. There may be inordinate delay but if supported with sufficient cause/reason, then such delay irrespective of its substantiality qualifies for condonation and *vice-versa* an insignificant delay unsupported by 'sufficient cause/reasons' is not pardonable. So in true sense, not the number but ***text of explanation is determinative*** in the matter of condonation of delay and it is worthy to note the Hon'ble Supreme Court vide para 15 summarized the same in '*Basawaraj & Anr Vs Special Land Acquisition Officer*' [AIR 2014 SC 746] as;



"15. The law on the issue can be summarized to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an **adequate and enough reason** which prevented him to approach the court within limitation. In case a party is **found to be negligent**, or for **want of bona fide** on his part in the facts and circumstances of the case, or found to have **not acted diligently or remained inactive**, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was **no sufficient cause to prevent a litigant to approach** the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamount to showing utter disregard to the legislature".

(Emphasis supplied)

Reason/cause behind delay

19. It is trite law that, the burden is on the party claiming a condonation of delay to place before the authority, in clear & explicit terms, all facts on which party relies, so that the appellate authority/court after hearing to rival parties can come to conclusion that it is not a case of want of diligence or inaction on the part of the applicant seeking condonation.



20. In the instant appeals, the gross delay of 802 days is claimed to have been occurred owing to; (a) non-intimation or delayed intimation by the assessee branch manager to the corporate centralised tax department and (b) appellant's preoccupied with large scale corporate restructuring/merger. As found and noted hereinbefore that, the former reason pleaded by the Ld. AR apparently contradicts with the material placed on records. The appellant failed to place any cogent material in answering the query raised in the course of hearing that, if there wasn't any intimation/communication or delayed intimation from the assessee branch manager, then how the appellant stated & confirmed the receipt of impugned orders in time in Form No. 36. Twice as, one cannot turn blind eye to facts responsibly stated on oath in the affidavit executed by the executive director of the



appellant bank who also confirmed service of impugned orders much/well before the expiry of limitation period. In the premises, the former reason at the threshold does not constitute a reason at all for our consideration, therefore sufficiency thereof cannot be tested for the purpose of condonation. Insofar as the later reason is concerned, the appellant has vaguely and loosely stated to have pre-occupied with corporate restructuring (merger/amalgamation etc.) we say so because, the appellant isn't a small shopkeeper but a multinational commercial PSU bank which operates in an industry dealing predominately with 'money' and therefore day-in-day-out is well acquainted with the principle of 'time value of money'. For such a class of assessee disregarding the pending fiscal litigation to attend the restructuring issues cannot be the reasons. The fact



remains on records and not oblivious to the bench that, the impugned orders were passed in the year 2023 whereas the merger or restructuring of appellant bank was completed in the year 2020. There was hardly any cogent material placed on records that, the appellant was helpless and displaced with required infrastructure, battery of experts and trained human resource for all most three years from April 2020. Thus, so called corporate restructuring in our thoughtful consideration cannot be said to be a 'reason/cause' rather much less cause in preventing the appellant from approaching the Tribunal s/s (1) r.w.s. (5) of section 253 of the Act. In effect, the later reason advanced by the appellant on the other hand in our mindful consideration suggests that it was steeply designed to grossly do-away with explaining true reason/cause (exist if any).



21. Insofar as the delay in instituting the present appeal is concerned, a careful contemplation of records reveals us that, there is neither any plausible explanation nor any whisper in the entire narration of facts about a single step taken by the appellant to showcase required seriousness, and not even a bonafied affirmation that delay was accidental. We also observed that, neither through such affidavits nor by any other document/petition or application the appellant could demonstrate that there was a *'sufficient cause'* or *'sufficient reason'* behind the substantial, inordinate & immoderate delay which prevented it from filing the present appeal within the statutory time limit allowed u/s 253(3) of the Act. In the event the lifeline embedded in s/s (5) of section 253 of the Act could hardly come to rescue the appellant from rigors of s/s (3) (supra).



22. In the premise of our aforestated observation, the delay in our mindful consideration remained unsupported by any adequate, enough or sufficient cause/reason and further not been satisfactorily explained in the course of physical hearing by the appellant. The appellant on the other hand did initiate no action or vigilance for a more than 2¼ years (approx.) after the service/communication of impugned orders, thus failed to show that the said delay was undeliberate. The appellant a public sector undertaking all along remained inactive and material placed on record did in no manner showcases that it was vigilant, diligent with the pending tax litigation. *Per contra*, the appellant has not proved any inaction or negligence on the part of a Revenue, much less have they pleaded any action or vigilance on their own part.



23. Thus, in our thoughtful consideration the appellant failed to make out a case that there was sufficient cause behind delay in filing these present appeals and as it remained not only negligent but nor did initiate any steps at all. The prayer for condonation therefore seems to have been made as matter of right as the appellant being a public sector undertaking, we say so because the averments made in the affidavit badly lack bonafied imputable, therefore there is much less '*sufficient cause*' made out therein. The acceptance of appellant's request would amount to granting free play to luxury litigant which is subjected to strict corporate governance & responsibilities. While deciding the issue we are also mindful to the conduct, behaviour, laxity attitude of the appellant and sheer negligence towards prosecution which cannot be given a total go-bye.



24. A holistic consideration of affidavits submitted by appellant including then branch manager/in-charge and the arguments made in the course of physical hearing, we not only find them with ‘*much less cause*’ made out therein but also with much less explanation offered therein against the inordinate/substantial delay caused in instituting these appeals u/s 253(1) of the Act. The appellant’s request smokes harbouring notion that Tribunal is required to condone delay on bedrock of principle that adjudication of appeal should in all probabilities to proceed on merits. It can very well be made out from the contents of affidavits that appellant was not at all serious *per contra* suggest lackadaisical propensity and hence case do not entitle for the benefit of s/s (5) of section 253 of the Act, in the event the request for condonation deserves to be rejected.



25. In view of the parameter set in judicial precedent cited (supra) we are mindful to hold that, the reasons stated & averments made in support of delay *per-se* failed to prove existence of sufficient cause, therefore all pleas made therein & grounds contended to buy home delay condonation stands rejected. As no case is made out in terms of s/s (5) (supra) in consequence present appeal in view of s/s (3) of section 253 of the Act is barred by limitation, therefore not admitted for adjudication, and in consequence stands dismissed.

26. In result, all three appeals are DISMISSED.

In terms of rule 34 of ITAT Rules, 1963 the order pronounced in the open court on date mentioned hereinbefore.

-S/d-

**PAVAN KUMAR GADALE
JUDICIAL MEMBER**

-S/d-

**G. D. PADMAHSHALI
ACCOUNTANT MEMBER**

Panaji/Dt: 14th January, 2026.

Copy of the Order forwarded to :

- | | | |
|-------------------|--------------------------------|------------------------------|
| 1. The Appellant. | 2. The Respondent. | 3. The CIT(A)/NFAC Concerned |
| 4. PCIT Concerned | 5. DR, ITAT, Panaji Bench, Goa | 6. Guard File |

By Order,
Sr. Private Secretary / AR ITAT, Panaji.