

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 8385/Del/2025 : Asstt. Year: 2018-19

Children of the World (Delhi) Society, C/o M/s Raj Kumar & Associates, L-7A (LGF), South Extension, Part-II, New Delhi-110049	Vs	DCIT, CPC, Bengaluru <u>Regular A.O.</u> Income Tax Officer, Ward Exemption-1(3), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AACTC1735C		

**Assessee by: Sh. Rajkumar Gupta, CA
Revenue by : Sh. Manoj Kumar, Sr. DR**

Date of Hearing: 20.01.2026	Date of Pronouncement: 20.01.2026
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ORDER

This assessee's appeal for Assessment Year 2018-19 arises against the Addl./JCIT(A), Chennai's DIN & order No. ITBA/APL/S/250/2025-26/1079562594(1) dated 13.08.2025, in proceedings u/s 143(1) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. Delay of 45 days in filing of the instant appeal is condoned in the larger interest of justice in light of Collector Land Acquisition vs. Mst. Katiji & Ors (1987) 167 ITR 471 (SC).
4. It emerges during the course of hearing with the able assistance coming from both the sides that the learned

CIT(A)/NFAC has refused to condone the delay of **5 years 8 months and 7 days** in filing of the assessee's lower appeal instituted on 07.06.2025 against the CPC's intimation u/s 143(1) dated 30.09.2019 thereby holding that the same had not been explained in light of the justifiable reasons.

5. Faced with this situation, learned departmental representative could hardly dispute that the assessee had indeed explained the above delay before the CIT(A) explaining all the reasons on account of circumstances beyond its control and due to covid-19 pandemic outbreak.

6. That being the case, I hereby quote Collector, Land & Acquisition Vs. Mst. Katiji & Others (1987) 167 ITR 471 (SC), settling the issue long back that all such technical aspects must make way for the cause of substantial justice and restore the assessee's instant appeal back to the CIT(A) for his afresh appropriate adjudication within three effective opportunities subject to a rider that the assessee shall plead and prove the case at his own risk and responsibility, in consequential proceedings. Ordered accordingly.

7. This assessee's appeal is allowed for statistical purposes.

Order Pronounced in the Open Court on 20/01/2026.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 20/01/2026

Subodh Kumar, Sr. PS