

आयकर अपीलीय न्यायाधिकरण में, हैदराबाद 'बी' बेंच, हैदराबाद
IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad "A" Bench, Hyderabad

श्री मंजूनाथ जी, माननीय लेखा सदस्य एवं श्री रवीश सूद, माननीय न्यायिक सदस्य
SHRI G. MANJUNATHA, HON'BLE ACCOUNTANT MEMBER
AND
SHRI RAVISH SOOD, HON'BLE JUDICIAL MEMBER

आयकरअपीलसं./I.T.A.No.1448/Hyd/2025 & 1449/Hyd/2025
(निर्धारण वर्ष/ Assessment Year: 2014-15 &2017-18)

Babugari Kareem Basha Kurnool PAN : AVJPB3692F (अपीलार्थी/ Appellant)	Vs.	Income Tax Officer Ward-1 Nandyal (प्रत्यर्थी/ Respondent)
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करदाता का प्रतिनिधित्व/ Assessee Represented by	:	None
राजस्व का प्रतिनिधित्व/ Department Represented by	:	Shri Sankar Pandi, Sr. A.R.
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	27.01.2026
घोषणा की तारीख/ Date of Pronouncement	:	28.01.2026

ORDER

PER MANJUNATHA G., A.M :

These appeals filed by the assessee are directed against the orders of the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in DIN & Order No. ITBA/NFAC/S/250/2024-25/1067564603(1) and

ITBA/NFAC/S/250/2024-25/1067565038(1) both dated 12.08.2024 arising out of orders passed by the A.O. under Section 147 r.w.s. 144 of Income Tax Act, 1961 (for short “the Act”) and pertain to the assessment years 2014-15 and 2017-18. Since the grounds raised in these appeals are identical, these appeals are clubbed, heard together and a consolidated order is being passed for the sake of convenience as under. Facts are extracted from ITA 1448/H/2025.

2. The grounds raised by the assessee read as under :

“1. The Learned First Appellate Authority is not justified in deciding the appeal without affording the appropriate and fair opportunity to the appellant.

2. The Learned appellant beg to provide opportunity in the view of natural justice

3. The appellant reserves his right to add, amend, delete or substitute any ground or grounds during the course of hearing.”

3. The brief facts of the case are that, the assessee is an individual, did not file return of income for A.Y.2014-15. As per the Suspicious Transactions report of ITO(Inv)-Unit-1, Hyderabad, it was observed that the assessee’s ICICI bank account having account No.069801501606 was credited with Rs.1,10,69,622/-

during the F.Y.2013-14. Having reasons to believe that the income has escaped assessment, statutory notices u/s 147 and 142(1) of the Act were issued by the A.O., but the assessee did not respond to the notices. Therefore, the A.O. observed that the assessee does not have any valid explanation regarding the credited amount in his ICICI Bank as he failed to offer any explanation regarding sources of investment made to the tune of Rs.1,10,69,622/- and hence, treated the entire amount as unexplained money u/s 69A of the Act.

3. Aggrieved by the order passed by the A.O., the assessee filed an appeal before the Ld.CIT(A) with the delay and the Ld.CIT(A) dismissed the appeal filed by the assessee, ex-parte as the assessee failed to show any sufficient cause u/s 249(3) of the Act for the delay and also remained uncompiled to the notices issued by the department.

4. Aggrieved by the order of the Ld.CIT(A), the assessee filed an appeal before the Tribunal, but, none appeared on behalf of the assessee.

5. We have heard the Ld.DR and perused the material available on record. Admittedly, there is a delay of 314 days and upon perusal of the reasons given by the assessee, we find that although the assessee has cited medical grounds, but no supporting evidences have been filed in support of his contentions. Therefore, in our considered view, the reasons given by the assessee in his affidavit filed for condonation of delay does not come under “sufficient cause” for condonation of delay. Further, the appellant is non-serious about proceedings, which is evident from the ex-parte assessment order passed by the A.O. u/s 147 r.w.s.144 of the Act dated 31.03.2022, where the A.O. has passed the assessment order in the absence of any details from the assessee. The said lapse has been further continued before the First Appellate Authority, where, the appellant has filed appeal with the delay and also not appeared before the CIT(A), when the case was fixed for hearing to explain the delay and justify his case. In the absence of any explanation, the Ld.CIT(A) dismissed the appeal filed by the assessee *in-limine*. From the above conduct of the assessee, it appears that the assessee is not

vigilant in prosecuting his case before the authorities, including before the Tribunal and therefore, in our considered view, the reasons given by the assessee for condonation of huge delay cannot be accepted. This view of ours fortified by the numerous decisions of Hon'ble Supreme Court and High Courts.

6. In this connection it is relevant to take note of Judgment of Hon'ble Supreme Court in the case of Collector, Land Acquisition vs., MST. Katiji & Ors. [1987] 167 ITR 471 (SC) wherein the Hon'ble Supreme Court held that, *"the law of limitation is founded on public policy. It is enshrined in the legal maxim "interest reipublicae ut sit finis litium" i.e., it is for the general welfare that, the period of limitation be put to litigation. The object is to, put an end to every legal remedy and to have a fixed period of life for every litigation as it is futile to keep any litigation or dispute pending indefinitely. Every public policy requires that, there should be an end to the litigation, otherwise, it would be a dichotomy, if the litigant is made immortal vis-a-vis the right in parties i.e., human being were mortals"*.

7. Therefore, considering the importance of limitation, the Income Tax Act, 1961 provided for limitation for filing appeals before various authorities including before the Tribunal. Further, the Act has also provided a discretionary power to the Authorities for condoning the delay, if 'sufficient cause' is made out with reasonable explanation. Therefore, while condoning the delay, the Authorities must keep in mind the importance of limitation provided under various statutes and the discretionary power conferred by the said statute keeping in mind the phrase 'sufficient and reasonable cause'. This view is further exhilarated by the decision of Hon'ble Supreme Court in the case of M/s. Kolte Patil Developer Pvt. Ltd., vs. CIT 2017-TIOL-185-SC wherein it has been held that "*when there is no explanation given for delay in filing of the appeal, such delay in filing cannot be condoned*". Similar view has been taken by Hon'ble Bombay High Court in the case of Subodh Prakash vs. JCIT 2017-TIOL-2249-HC-P&H-IT wherein it has been held "*when the explanation submitted by the appellant does not satisfy the test of 'sufficient cause' as required u/sec.5 of Limitation Act, 1963, the delay cannot be condoned*".

Further, the Hon'ble Supreme Court in its Judgment in the case of Pathapati Subbareddy (died) repled. by his L.Rs & Ors. vs., The Special Deputy Collector-(LA) in Special Leave Petition (Civil) No.31248 of 2018 vide order dated 08.04.2024 wherein the Hon'ble Supreme Court after considering the provisions of sec.3(1) Secs.4 to 24 of the Limitation Act has refused to condone the delay and dismissed the SLP filed by the assessee and upheld the order of the Hon'ble High Court Andhra Pradesh High Court in dismissing the appeal on account of delay. The Hon'ble Supreme Court while dismissing the SLP, after considering the various judicial precedents on the subject matter of condonation of delay, noted that *"where a litigant could not explain the 'sufficient cause' which means adequate, enough reasons which prevented him to approach the Court within the period of limitation and could not properly, satisfactorily and convincingly explained the delay to the Court/Tribunal, Court has no power to condone such delays.* The Hon'ble Supreme Court further noted that *"the statutory provisions under Limitation Act may cause hardship or inconvenience to a particular*

party but the Court has no choice but to enforce it giving full effect to the same by quoting the legal maxim dura lex sed lex which means “the law is hard but it is the law”, stands attracted when there were negligence/failure to exercise due diligence etc., and accordingly dismissed the SLP of the appellants in the aforesaid case”.

8. Further, the Hon’ble Supreme Court yet in an another case Balwant Singh (Dead) vs., Jagdish Singh & Ors. in Civil Appeal No.1166/2006 reported in [2010] 8 SCC 685 in para-16 very clearly held as under :

“16. Above are the principles which should control the exercise of judicial discretion vested in the Court under these provisions. The explained delay should be clearly understood in contradistinction to inordinate unexplained delay. Delay is just one of the ingredients which has to be considered by the Court. In addition to this, the Court must also take into account the conduct of the parties, bona fide reasons for condonation of delay and whether such delay could easily be avoided by the applicant acting with normal care and caution.

The statutory provisions mandate that applications for condonation of delay and applications belatedly filed beyond the prescribed period of limitation for bringing the legal representatives on record, should be rejected unless sufficient cause is shown for condonation of delay. The larger benches as well as equi-benches of this Court have consistently followed these principles and have either allowed or declined to condone the delay in filing such applications. Thus, it is the requirement of law that these applications cannot be allowed as a matter of right and even in a routine manner. An applicant must essentially satisfy the above stated ingredients; then alone the Court would be inclined to condone the delay in the filing of such applications.”

9. Further, it is well settled law by the decision of Hon'ble Supreme Court yet in another decision in the case of O/o. Chief Post Master General & Ors. vs., Living Media India Ltd., & Anr. [2012] 348 ITR 7 (SC) that, Law of Limitation has to be applied with all its rigor and liberal approach cannot be extended to cases of gross negligence or inaction.

10. Further, u/sec.253(5) of the Income Tax Act, 1961, such powers can be exercised only upon showing of 'sufficient cause' preventing the assessee from filing the appeal within the prescribed period. In the present case, the delay involved is 314 days which is highly inordinate. The reasons adduced by the assessee are general in nature and did not inspire the confidence. The explanation lacks specific dates, supporting evidences or cogent material to demonstrate bonafides. In the present case, going by the facts available on record, the assessee could have avoided the delay in filing of the appeal before the Tribunal had it been shown little care and caution in the income tax matters. Since the assessee has shown casual approach and negligence in pursuing their case before the Authorities, in our considered view, the reasons given by the assessee for delay in filing of the appeal before the Tribunal cannot be condoned for the said reasons. We, therefore, in light of our discussion made in the preceding paragraphs, inclined to uphold the order of the learned CIT(A) and dismiss the appeal of the assessee.

11. In the result, appeals of the Assessee are dismissed *mutatis mutandis* for both the A.Ys.2014-15 and 2017-18.

Order pronounced in the Open Court on 28th January, 2026.

<p>Sd/- (श्री रवीश सूद) (RAVISH SOOD) न्यायिक सदस्य/JUDICIAL MEMBER</p>	<p>Sd/- (मंजूनाथ जी) (MANJUNATHA G.) लेखा सदस्य/ACCOUNTANT MEMBER</p>
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Hyderabad,
dated 28.01.2026.
L.Rama/sps

आदेशकी प्रतिलिपि अग्रेषित/ Copy of the order forwarded to:-

1.	निर्धारिती/The Assessee	:	Shri Babugari Kareem Basha, 16-100, Degalapeta (Vill.), Sirivella (Post), Allagadda, Kurnool
2.	राजस्व/ Revenue	The :	The Income Tax Officer, Ward-1, Nandyal
3.	The Principal Commissioner of Income Tax, Kurnool		
4.	विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, हैदराबाद / DR, ITAT, Hyderabad		
5.	गार्डफ़ाईल / Guard file		

आदेशानुसार / BY ORDER

Sr. Private Secretary
ITAT, Hyderabad