

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

सुश्री पदमावती यस, लेखक सदस्य एवं श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष
BEFORE MS. PADMAVATHY.S, ACCOUNTANT MEMBER AND
SHRI MANU KUMAR GIRI, JUDICIAL MEMBER

आयकर अपील सं./ITA No.3328/Chny/2025
निर्धारण वर्ष /Assessment Year: 2020-21

Silverster Sijin Albert,
Pullu Vilai Vencode Post,
Kanyakumari – 629 171.
PAN: FLQPS 8346F

The Income Tax Officer,
Vs. Ward-1,
Nagercoil.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by
प्रत्यर्थी की ओर से /Revenue by

: Mr. L. Gokulraj, Advocate
: Ms. Gouthami Manivasagam, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 20.01.2026

घोषणा की तारीख /Date of Pronouncement

: 29.01.2026

आदेश / ORDER

PER PADMAVATHY.S, A.M:

This appeal by the assessee is against the order of the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre (NFAC), Delhi, (in short "CIT(A)") passed u/s. 250 of the Income Tax Act, 1961 (in short "the Act") dated 09.10.2025 for Assessment Year (AY) 2020-21.

2. The assessee is an individual and acting as an agent of Hinduja Leyland Finance a non-banking financial company engaged in the business of provisions loans to customers. As part of agency arrangement, the assessee facilitates the process of securing loans for customers and ensuring repayment of such loans to the finance company. During the process, the loan amounts

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are routed through the bank account of the assessee for the limited purpose of disbursing the loan to the customers and collection of repayment to be remitted to the finance company. The A.O received information that there are transactions in cash to the tune of Rs. 11,75,37,554/- and since the turnover reported in the return filed by the assessee is Rs. 12,36,510/-, the A.O was of the view that the differential amount has escaped assessment. Accordingly, the A.O reopened the assessment u/s. 148 of the Act. The A.O completed the assessment by making an addition of Rs. 1,06,70,331/- u/s. 69A of the Act. The assessee being aggrieved filed further appeal before the CIT(A).

3. There was a delay of 100 days in filing the appeal before the CIT(A). The CIT(A) did not accept the submissions of the assessee explaining the reasons for delay in filing the appeal and accordingly dismissed the appeal in *limine* without condoning the delay. Aggrieved, the assessee is in appeal before the Tribunal.

4. We have heard the parties, and perused the material available on record. The Ld. Authorized Representative (AR) of the assessee submitted that the assessee is a small scale proprietor and is not conversant with computer operations. The Ld. AR further submitted that the assessee completely relied on his auditors for income tax compliance and even the login credentials of the income tax portal and email were under the control of auditors. The Ld. AR also submitted that the assessee had certain medical ailments which restricted his ability to attend business and to follow up with the auditors regarding the pending income tax proceedings. The assessee subsequently changed his auditor and updated the login credentials post which the assessee came to know of the assessment order being passed. The Ld. AR submitted that the assessee filed the appeal before the CIT(A) immediately on advice of the new auditor and therefore, the delay was beyond the control of

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the assessee and not a wilful or deliberate delay. Considering the facts and circumstances unique to the present case, we are of the considered view that there is a reasonable cause for the delay in filing the appeal before the CIT(A) and therefore, we direct the CIT(A) to condone the delay. From the perusal of the A.O, we notice that the A.O has made the addition on the ground that the assessee has not responded to the notices calling for documentary evidences explaining the source for cash withdrawals. Since, the lower authorities have made the additions without going into the merits, we remit the appeal back to the AO for consideration on merits by calling for relevant details in order to decide the issue in accordance with law. The assessee is directed to file necessary details as may be called for and cooperate with assessment proceedings. It is ordered accordingly.

5. Further, we also levy a cost of Rs.5,000/- (Five thousand only) in the appeal since considerable time and efforts have been spent by the Exchequer and for the reason that the assessee being delinquent before the lower authorities. The same shall be paid by the assessee to Tamil Nadu State Legal Services Authority at Hon'ble High Court of Madras within a period of one month from the date of receipt of this order and produce the receipt before the A.O.

6. In the result, appeal of the assessee is allowed for statistical purposes.

Order pronounced on 29th day of January, 2026 at Chennai.

Sd/-
(मनु कुमर गिरि)
(Manu Kumar Giri)

न्यायिक सदस्य / Judicial Member

Sd/-
(पदमावती यस)
(Padmavathy.S)

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 29th January, 2026.

EDN, Sr. P.S

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आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF