

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "SMC" NEW DELHI

BEFORE SHRI YOGESH KUMAR US, JUDICIAL MEMBER
AND
SHR SANJAY AWASTHI, ACCOUNTANT MEMBER

आ.अ.सं./I.T.A No.238/DDN/2025
निर्धारणवर्ष/Assessment Year:2017-18

GYANENDRA PANWAR, Nanda Devi Enclave, Badripur, Dehradun-248005, Uttarakhand. PAN No.ADIPP2853R	बनाम Vs.	ASSISTANT DIRECTOR OF INCOME TAX, CPC, ITO, Ward 1(3)(4), Aaykar Bhawan, 16, Civil Lines, Near IIT Roorkee, Uttarakhand.
अपीलार्थी Appellant		प्रत्यर्थी/Respondent

Assessee by	Shri Ravinder S. Rawat, Advocate
Revenue by	Shri Amar Pal Singh, Sr. DR

सुनवाईकीतारीख/ Date of hearing:	09.02.2026
उद्घोषणाकीतारीख/Pronouncement on	11.02.2026

आदेश / O R D E R

PER SANJAY AWASTHI, ACCOUNTANT MEMBER:

1. In this case, there is a delay of 542 days which has been requested to be condoned as under: -

"I, Gyanendra Panwar, son of Shri Gajendra Singh Panwar, residing at Nanda Devi Enclave, Badripur, Dehradun - 248005, do hereby solemnly affirm and state as under:

- 1. That I am the appellant in the present matter and am fully acquainted with the facts of the case. I am executing this affidavit to seek condonation of delay in filing the appeal before the Hon'ble Income Tax Appellate Tribunal, Dehradun.*
- 2. That the order of the Learned J. Commissioner of Income Tax (Appeals) dismissing my appeal was passed on 29.03.2024.*
- 3. That the time limit for filing the appeal before the Hon'ble ITAT expired on 27.05.2024. However, due to circumstances beyond*

my control, the appeal could not be filed within the prescribed time. The same are being explained below point wise.

4. Self-Illness: The appellant had undergone surgical process in February 2024, the treatment for which continued till March 2024. The relevant document in support of this treatment at district hospital, Dehradun is enclosed at Page No.25-28. The appellant went on further treatment for pain in shoulder for which was having treatment at Jaypee Hospital, sector 128, Noida. The relevant document dated 16.04.2024 is enclosed as 29.

Further, the appellant was again under treatment at district hospital Dehradun and underwent minor surgery. The OPD slip dated 11.05.2024 is enclosed at page no. 30.

The assessee was further under treatment for prostate issues at Max Healthcare, Noida. Prescription dated 15.02.2025 is enclosed at page no. 31.

The appellant was under treatment at Kailash Hospital, Dehradun. The OPD prescription dated 20.06.2025 and 24.06.2025 are enclosed for ready reference at page no. 31- 23,

5. Treatment of Mother: The mother of the appellant, Smt. Savitri Panwar aged 90 years was suffering from cancer of ovary during the period and had undergone treatment in various hospitals from time to time. Unfortunately, she could not survive and passed away on 25.06.2025. In fact, she was even admitted to Himalayan Hospital, Cancer Research Institute, Jolly Grant but doctors could not save her due to her old age and advance stage of disease. She was bedridden for several months before her death. Documents regarding her medical treatment has been attached from page no. 34 to 37. Further, death certificate is enclosed on page no. 38. It was the mother's insistence that the son of appellant was to be married of before she takes her last breath.

6. Marriage of Son: The appellant was too much occupied with the marriage preparations including selection of compatible girl for his son in order to fulfil his mother's wish. Thereafter the appellant was preoccupied with all other wedding preparations. The son of the appellant got engaged on 17.11.2024. Engagement invitation is enclosed on page no. 39. Further, the son of the appellant got married on 02.02,2025 which was attended by his ailing mother also. The wedding invitation card is enclosed on page 40.

7. Domestic Issues: Due to certain domestic issues, the appellant was not having cordial relations with his wife. The e-mail id of wife was being used on the Income Tax Portal which was an old email address and generally not used by her and the appellant did not receive any such information from his wife in this regard. Proof that communication was being made on my wife's email is attached below in form of screenshot:

After the marriage on the son and death of the mother of the appellant, the family shifted base from Noida to Dehradun and thereaftersomewhat, he came to know about the income tax proceedings development.

8. Counsels Sole: The appellant is not well aware of the proceedings of the Income Tax Department and he was fully dependent on his previous counsel. The counsel kept on telling him that priority is to take care of ailing mother who was suffering from ovarian cancer and the income tax matter will be taken, care of thereafter.

9. That due to my medical condition of the appellant, his mother, and other family circumstances as narrated above and also the negligence of previous counsel, there has been an unavoidable delay of 543 days in filing the appeal.

10. That the delay is neither intentional nor deliberate. I had no motive to jeopardize the interest of the Revenue. The delay occurred solely due to circumstances beyond the control of the appellant.

11. That now I have engaged a new counsel who will look into this matter. Now onwards I assure you to make full compliances of all the legal requirements through my counsel.

12. That in the interest of justice and to allow me an opportunity to be heard on merits, it is respectfully prayed that the Hon'ble Tribunal may kindly condone the delay in filing the appeal and accept the same.

13. That an application for condonation of delay, along with the memorandum of appeal in Form 36, is being filed herewith."

1.1 Considering the reasons given in the above said application, we hereby condone the delay and admit this appeal for adjudication.

2. This appeal arises from order dated 29.03.2024, passed by Addl./JCIT(Appeals)-1, Ludhiana u/s 250 of the Income Tax Act, 1961 (hereafter referred to as "the Act"). In this case, the assessee received Rs.9,26,904/- as leave encashment benefit in terms of Section 10(10AA) of the Act. The Ld. AO's CPC restricted the benefit to Rs.3,00,000/- on the ground that the employer was other than a Central or a State Government. For the sake of record, it needs to be mentioned that the assessee retired from the Bank of Baroda, a PSU Bank.

2. Before us, the Ld. AR mentioned that the Ld. AO, CPC had used an older version of the CBDT Circular to deny the benefit due to the assessee. It was pointed out that vide CBDT's Notification No.31/2023/F.No.200/3/2023 dated 24.05.2023, the said limit of restriction was enhanced to Rs.25,00,000/-. It was averred that the assessee was duly covered under the new enhanced limit. The Ld. AR also relied on several case laws and orders of Coordinate Benches of ITAT, whereby on identical grounds relief had been given to the assessee concerned. The main case in this regard was of Ram Charan Gupta bearing ITA No.408/JPR/2022.

2.1 The Ld. DR relied on the orders of the authorities below.

3. We have carefully considered the rival submissions, and have gone through the documents before us. We find that the Ld. AO CPC has mistakenly restricted the benefit of claim to Rs.3,00,000/- even when the amount was enhanced to Rs.25,00,000/-. Accordingly, we find merit in the submission of the Ld. AR and direct the Ld. AO CPC to grant relief u/s 10(10AA) of the Act to the full extent claimed by the assessee since it is considerably less than the amount of Rs. 25,00,000/- as per the CBDT Circular (supra).

4. In the result, appeal of the assessee is allowed.

Order pronounced in the open court on 11.02.2026

Sd/-
(YOGESH KUMAR US)
JUDICIAL MEMBER

Sd/-
(SANJAY AWASTHI)
ACCOUNTANT MEMBER

Dated: 11.02.2026

**Kavita Arora, Sr. P.S.*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI