



आयकर अपीलीय अधिकरण "एस एम सी" न्यायपीठ पुणेमें।
IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "SMC" :: PUNE

BEFORE DR.DIPAK P. RIPOTE, ACCOUNTANT MEMBER
AND
SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.2584 & 2585/PUN/2025

निर्धारण वर्ष / Assessment Year: 2020-21

Anil Bhagwan Turuk, 431/2329, Sant Tukaram Nagar, Pimpri, Haveli, Pune – 411018.	V s	Income Tax Officer, Ward-8(3), Pune.
PAN: AAPPT2146K		
Appellant/ Assessee		Respondent /Revenue

Assessee by	Smt. Deepa Khare
Revenue by	Shri Ajitesh Kumar Meena – Addl.CIT
Date of hearing	29/01/2026
Date of pronouncement	13/02/2026

आदेश/ ORDER

PER BENCH :

These two appeals filed by the Assessee against the separate orders of Id.Commissioner of Income Tax(Appeal)[NFAC], passed under section 250 of the Income Tax Act, 1961 for the A.Y.2020-21 dated 23.07.2025 & 28.08.2025 emanating from the Assessment Order passed under section 143(3) read with section 144B of the Act, dated 13.09.2022 and penalty order under section 270A of the Act, dated 22.03.2023 respectively. For the sake of convenience,



these two appeals were heard together and are being disposed of by this common order. We treat appeal in ITA No.2585/PUN/2025 as lead appeal. The Assessee has raised the following grounds of appeal :

“1. The Id CIT(A) erred in law and on facts in dismissing the appeal ex-parte without appreciating the facts and circumstances of the case.

2. The Id CIT(A) erred in law and on facts in confirming the action of AO in assessing income at Rs 28,02,718/- without appreciating the facts and circumstances of the case.

3. The Id CIT(A) erred in law and on facts in not granting exemption u/s 10(10C) of Rs 5,00,000/- in respect of compensation f voluntary retirement, Section 10(10AA) of Rs 2,39,352/- in respect of earned leave encashment on retirement, Section 10(10) of Rs 4,45,185/- in respect of gratuity cum retirement of the Income Tax Act.

4. The Id CIT(A) erred in law and on facts in not granting relief u/s 89(1) in respect of arrears of salary.

5. The appellant craves leave to add, alter, modify or substitute any ground of appeal at the time of hearing.”

Delay :

1.1 There is a delay of 37 days in filing appeal before this Tribunal. Assessee has filed condonation petition along with



Affidavit. Substantial justice is more important than procedural delays. In these facts, we are convinced that there is reasonable and sufficient cause for delay. Hence, Delay is condoned.

Findings & Analysis :

2. We have heard both the parties and perused the records. In this case, Assessee had been working with Hindustan Antibiotics Ltd., Pimpri, Pune since 13.09.1993 and got Voluntary Retirement from the Company on 31.12.2019. The assessee filed original return of income electronically for the A.Y.2020-21 on 31.10.2020 declaring total income of Rs.16,25,300/-. Thereafter, the assessee filed revised return of income electronically on 26.03.2021 declaring total income of Rs.4,47,310/-. Assessee's Revised Return of Income was selected for scrutiny. During the assessment proceedings, Assessee failed to file reply to the show-cause notice issued by Assessing Officer, therefore, Assessing Officer assessed the total income at Rs.28,02,718/-. Assessing Officer also levied penalty u/s.270A of the Act.

3. Aggrieved by the Assessment Order and Penalty Order, Assessee filed appeal before Id.CIT(A). There was a delay of 445 days in filing appeal before the Id.CIT(A), against the assessment



order. Similarly, there was a delay of 8 months in filing appeal against the penalty order. Ld.CIT(A) dismissed the appeal stating that there was no sufficient reason for condonation of delay. Aggrieved by the ld.CIT(A)'s order, Assessee has filed two separate appeals. For the sake of convenience, both the appeals were heard together.

4. Ld.AR filed a paper book. Ld.AR submitted that the Company Hindustan Antibiotics Ltd., was in bad financial position and therefore, had not paid the employees their salaries. Ld.AR filed an elaborate submission explaining arrear salary received by Assessee. Ld.AR pleaded that there has been double taxation in the case of assessee.

4.1 However, it is an admitted fact that these details were not filed during assessment proceedings. Substantial justice is more important than the procedural delay. Admittedly, Assessee had not filed the details of arrear salary and Section 89(1) claim during assessment proceedings, but for this mistake, Assessee should not be made to pay double tax. In these facts and circumstances of the case, in the interest of justice, we set-aside the assessment order to the Assessing Officer for denovo adjudication. Assessee shall file



all necessary details before the Assessing Officer. The Assessing Officer shall provide opportunity of hearing to the Assessee. Accordingly, Grounds of appeal raised by the assessee are allowed for statistical purpose.

5. In the result, appeal of the assessee in ITA No.2585/PUN/2025 is allowed for statistical purpose.

ITA No.2584/PUN/2025

6. Since we have set-aside the assessment order to Assessing Officer, we also set-aside the penalty order to ld.Assessing Officer for denovo adjudication. Accordingly, appeal in ITA No.2584/PUN/2025 is allowed for statistical purpose.

7. To sum up, both appeals of the assessee are allowed for statistical purpose.

Order pronounced in the open Court on 13 February, 2026.

Sd/-
VINAY BHAMORE
JUDICIAL MEMBER

Sd/-
Dr.DIPAK P. RIPOTE
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 13 Feb, 2025/ SGR



आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "एस एम सी" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

/ / TRUE COPY / /

Senior Private Secretary
आयकर अपीलीयअधिकरण, पुणे/ITAT, Pune.