

**आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक**

**IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK**

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER**

**AND**

**SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER**

**आयकर अपील सं/ITA No.728/CTK/2025**

**(निर्धारण वर्ष / Assessment Year : 2006-2007)**

<b>Sarada Buildcon Private Limited,</b> At -Plot No.1425, Bank Street, Jajpur Road, Jajpur-755019	Vs	<b>ACIT, Circle-1(1), Cuttack</b>
PAN No. : <b>AAHCS 7412 E</b>		
<b>(अपीलार्थी / Appellant)</b>	..	<b>(प्रत्यर्थी / Respondent)</b>
<b>निर्धारिती की ओर से / Assessee by</b>	:	Shri P.K.Mishra & Narahari Swain, ARs
<b>राजस्व की ओर से / Revenue by</b>	:	Shri Vijay Singh, Sr. DR
<b>सुनवाई की तारीख / Date of Hearing</b>	:	18/02/2026
<b>घोषणा की तारीख / Date of Pronouncement</b>	:	18/02/2026

**आदेश / O R D E R**

**Per Bench :**

This is an appeal filed by the assessee against the order of the Ld.CIT(A), National Faceless Appeal Centre (NFAC), Delhi, dated 21.09.2025 for the assessment year 2006-2007.

2. The appeal of the assessee is delayed by 13 days. In this regard, the assessee has filed an application for condonation of delay supported with an affidavit stating therein sufficient reasons for delay in filing the appeal before the Tribunal, which are not found to be false. Ld. Sr. DR did not object to condone the delay. Accordingly, we condone the delay of 13 days in filing the appeal before the Tribunal and appeal of the assessee is admitted for hearing.

3. It was submitted by the Ld.AR that the assessment order is an ex-parte order. The Ld. CIT(A) has dismissed the appeal of the assessee on account of delay of 3887 days. It was submission that the assessee's

company is practically gone down. The directors of the assessee company were involved in Debt Recovery Tribunal Litigations. They were also hiding for which the notices could not be served on the assessee. It is the submission that the assessee had no knowledge of the proceedings of the assessment order. This had caused the delay before the Ld.CIT(A). It was prayer that the issues may be restored to the file of the AO for readjudication and the Ld.AR undertook that he would cooperate in the set aside proceedings.

4. In reply, the Ld. Sr.DR submitted that the original assessment order was passes u/s.144 of the Act which is an ex-parte order on 29.12.2011. The matter was reached to the Tribunal and the coordinate bench of this Tribunal had originally restored the issues to the file of the AO for readjudication. The set aside proceedings were also initiated and the assessee did not cooperate. It was submission that the delay should not be condoned as the assessee has shown substantial recalcitrant attitude.

5. We have considered the rival submissions. A perusal of the facts in the present case clearly shows that original assessment is an exparte assessment which was also set aside by the Tribunal to grant the assessee opportunity to provide the details. It is also noticed that in the set aside proceedings, the assessee has not cooperated in the assessment proceedings. However, considering the fact that the assessee's directors were stuck in DRT litigation and were also hiding, in the interest of justice, the delay in filing of the appeal before the Ld.CIT(A) is condoned and the issues are restored to the file of the AO for readjudication subject to an

exemplary cost of **Rs.50,000/-(Rupees Fifty Thousand only)** to be payable by the assessee to the Income Tax Appellate Tribunal Bar Association, Sector-1, CDA, Cuttack-753014, within sixty days from the date of this order and receipt of the same would be produced before the AO at the first hearing. Should the assessee not pay the abovementioned costs within the prescribed period of sixty days from the date of this order, the order of the Id. CIT(A) shall stand confirmed.

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

Order dictated and pronounced in the open court on 18/02/2026.

**Sd/-  
(MADHUSUDAN SAWDIA)**

लेखा सदस्य/ **ACCOUNTANT MEMBER**

**Sd/-  
(GEORGE MATHAN)**

न्यायिक सदस्य / **JUDICIAL MEMBER**

दिनांक Dated 18/02/2026

*Prakash Kumar Mishra, Sr.P.S.*

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant -
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR, ITAT, Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Assistant Registrar)

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack