

**IN THE INCOME TAX APPELLATE TRIBUNAL
'SMC' BENCH : BANGALORE**

**BEFORE SHRI PRASHANT MAHARISHI, VICE – PRESIDENT
AND
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

ITA No. 1979/Bang/2025
Assessment Year : 2017-18

Shri Balaraj, No. 17, Sharavthi Nilaya, 1 st Main, Sastha Nagar, Bengaluru – 560 015. PAN: ADUPB9998H	Vs.	The Income Tax Officer, Ward – 6(1)(1), Bengaluru.
APPELLANT		RESPONDENT

Assessee by	:	Shri Ravishankar, Advocate
Revenue by	:	Shri Ganesh R Ghale, Advocate - Standing Counsel for Revenue

Date of Hearing	:	26-11-2025
Date of Pronouncement	:	19-02-2026

ORDER

PER SOUNDARARAJAN K., JUDICIAL MEMBER

This is an appeal filed by the assessee challenging the order of the NFAC, Delhi dated 04/08/2023 in respect of the A.Y. 2017-18.

2. The brief facts of the case are that the assessee is the supplier of construction materials and doing labour contract works and declared his income on presumptive basis. In the return of income, the assessee declared incomes from business, house property and other sources apart from agricultural activities. The return was selected for scrutiny under CASS and a notice u/s. 143(2) was issued on 13/08/2018. Thereafter notice u/s. 142(1) was issued calling for some details about the rental

incomes and the agricultural incomes. The AO had also sought for/. the details about the cash deposits made during the demonetisation period by issuing letter u/s. 133(6) of the Act to the Federal Bank. The assessee also supplied the details to the part of the cash deposits and the AO without accepting the other submissions had confirmed a part of the deposits as unexplained money u/s. 69A of the Act. As against the said order, the assessee filed an appeal before the Ld.CIT(A). The Ld.CIT(A) had issued four notices on different dates intimating about the hearing dates. The assessee had not submitted any replies to the said notices and therefore the Ld.CIT(A) had arrived a conclusion that the assessee had not furnished any documents to arrive a different conclusion other than the one arrived by the AO. Therefore the Ld.CIT(A) had dismissed the appeal filed by the assessee.

3. As against the said order, the assessee is in appeal before this Tribunal with a delay of 679 days.

4. The assessee also filed an application to condone the said delay and also furnished a paper book in support of the said delay condonation application. The assessee submitted that the assessee had suffered a serious health issue and his son also affected by cancer and therefore there is no coordination between the assessee and the authorised representative. In fact, the authorised representative had not communicated the various hearing notices received by her including the order of the Ld.CIT(A). The assessee came to know about the proceedings only when the recovery notice was issued to the consultant's email ID. Thereafter the assessee with the help of a Chartered Accountant downloaded the order of the Ld.CIT(A). At that time only, the assessee came to know about the several notices issued by the Ld.CIT(A). Thereafter the assessee with the help of the Chartered Accountant decided to file the appeal. Finally the assessee through the consultant Mr. Dhruva Kumar, the appeal was filed on 09/09/2025 with a delay of 679 days. The assessee also produced several medical records and also about the notices issued to the erstwhile consultant and prayed that the said delay may be condoned and the appeal may be decided on merits and in accordance with law.

5. We have perused the affidavit and the reasons stated in the affidavit, the medical records furnished by the assessee and we are satisfied that the assessee was having sufficient cause for not preferring the appeal in time before this Tribunal and therefore we are condoning the said delay in filing the appeal before us and proceeded to decide the appeal on merits.

6. At the time of hearing, the Ld.AR submitted that all the hearing notices were sent to the email ID of the ex-consultant which was not communicated to the assessee and therefore the assessee was not able to prosecute the appeal before the Ld.CIT(A). The Ld.AR further submitted that the assessee is having all the documents to establish their case that they are having enough source for depositing the cash into his bank account and prayed to grant one more opportunity to appear before the Ld.CIT(A).

7. The Ld.DR relied on the orders of the lower authorities and prayed to dismiss the appeal.

8. We have heard the arguments of both sides and perused the materials available on record.

9. We have perused the documents furnished along with the paper book from which we are able to find that the assessee and his son were affected by severe illness and also the erstwhile consultant Smt. Sudharani had not communicated about the hearing dates and therefore the assessee was not able to appear before the Ld.CIT(A). Similarly, the hearing notices were sent to the erstwhile consultant as evidenced from the profile downloaded from the portal of the assessee.

10. Considering the above said facts and the records submitted by the assessee, we deem it fit that this issue has to be relooked by the Ld.CIT(A). We, therefore set aside the order of the Ld.CIT(A) and remitted the issue to the Ld.CIT(A) to decide the issue on merits and also after considering the various documents to be filed by the assessee before him.

11. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

Order pronounced in the open court on 19th February, 2026.

Sd/-
(PRASHANT MAHARISHI)
Vice – President

Sd/-
(SOUNDARARAJAN K.)
Judicial Member

Bangalore,
Dated, the 19th February, 2026.
/MS /

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|---------------|------------------------|
| 1. Appellant | 2. Respondent |
| 3. CIT | 4. DR, ITAT, Bangalore |
| 5. Guard file | 6. CIT(A) |

By order

Assistant Registrar,
ITAT, Bangalore