

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

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

ITA Nos. 1300 & 1301/Bang/2025
Assessment Years : 2015-16 & 2016-17

M/s. J C R Drillsol Pvt. Ltd., No. 19, NCC Misty Woods, NITTE Meenakshi College Road, BSF Campus, Yelahanka, Bengaluru – 560 064. PAN: AAACP9887B	Vs.	The Deputy Commissioner of Income Tax, Circle – 4(3)(1), Bengaluru.
APPELLANT		RESPONDENT

Assessee by	:	Ms. Ananya Srivastava, Advocate
Revenue by	:	Shri Balusamy N, JCIT-DR

Date of Hearing	:	27-11-2025
Date of Pronouncement	:	23-02-2026

ORDER

PER SOUNDARARAJAN K., JUDICIAL MEMBER

These two appeals are filed by the assessee challenging the separate orders of the NFAC, Delhi both dated 22/03/2025 in respect of the A.Ys. 2015-16 and 2016-17. Both these appeals are heard together and are being disposed of by way of this common order for the sake of convenience.

2. The brief facts of the case are that the assessee is a private limited company and during the A.Y. 2015-16, the assessee filed their return of income on 31/10/2015. Similarly for the A.Y. 2016-17, the return of

income was filed on 31/03/2018. For the A.Y. 2015-16, the assessee subsequently filed the revised return on 17/12/2016. The case of the assessee was selected for scrutiny and notices u/s. 143(2) were issued. Subsequently, the scope of scrutiny was converted from limited to complete for the A.Y. 2015-16. The AO had treated the excess share application money as the unexplained credit u/s. 68 of the Act even though the assessee had submitted that the said excess share application money was received from the two Directors in respect of A.Y. 2015-16. Another addition u/s. 68 was made in both the A.Ys. Even though the assessee had explained the details of the excess cash, the AO had not accepted the same and made the additions u/s. 68 of the Act in both the A.Ys. Subsequently, the AO in respect of the A.Y. 2015-16, had imposed a penalty u/s. 271(1)(c) of the Act wherein the assessee had not participated in the said proceedings. Only when the present tax consultant logged into the e-filing portal during the month of October 2023, the assessee came to know about the penalty order and thereafter the appeal was made ready and the delay of 214 days has been occurred.

3. In respect of A.Y. 2016-17, the assessee filed the appeal with a delay of 1780 days. The assessee along with the appeals, had not furnished separate applications to condone the said delays in filing the appeals but mentioned in form 35 the reasons for the said delay. The Ld.CIT(A) considering the said facts and issued a notice on 08/03/2025 to explain the delay in filing the appeals by giving detailed reasonings and necessary supporting documentary evidences. The assessee had not responded to the said notice also. Therefore the Ld.CIT(A) had considered the said delay and having found that no valid explanations were offered by filing the delay condonation applications, the Ld.CIT(A) had not condoned the said delays and dismissed the appeals on the ground of limitation.

4. As against the said orders, the present appeals have been filed by the assessee.

5. At the time of hearing, the Ld.AR submitted that the assessee had valid reasons for not filing the appeals in time and because of the miscommunication, the necessary applications to condone the said delays along with the documents could not be filed before the Ld.CIT(A) and now undertook to file the said delay condonation applications and submitted that if an opportunity has been granted, the assessee would be in a position to file the required delay condonation applications along with the supporting documents.

6. The Ld.DR submitted that the assessee had not filed any valid reasons for condoning the said delays and also not filed any application to condone the said delay separately and in such circumstances, the Ld.CIT(A) had correctly dismissed the appeals.

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

8. In present appeal in respect of the A.Y. 2016-17, the assessee had disputed the assessment made u/s. 143(3) of the Act in which additions u/s. 68 were made. In respect of the A.Y. 2015-16, the assessee had challenged the levy of penalty u/s. 271(1)(c) of the Act. Unfortunately, the assessee in both the appeals, in form 35 had accepted that there is a delay in filing the appeals but gave the reasons in four lines even though the delay in one of the appeals is about 1780 days. The Ld.AR before us submitted that there was some miscommunications and therefore the assessee was not able to file the applications to condone the delays in spite of the Ld.CIT(A) had issued a notice to that effect. We have considered the submissions made by the Ld.AR that if one more opportunity is granted, the assessee will be in a position to file the delay condonation applications in detail and also would furnish the supporting documents to show that the assessee was having reasonable explanations about the non-filing of the appeals in time.

9. Considering the said submissions and also the fact that the Ld.CIT(A) had not considered the appeals on merits, we are of the opinion that an

another opportunity may be granted to the assessee for filing the delay condonation applications and the supporting documents. Recording the said submissions made by the Ld.AR, we are setting aside the orders of the Ld.CIT(A) and remit this issue to the file of the Ld.CIT(A) for fresh consideration after receiving the detailed delay condonation petitions and the supporting documents. The Ld.CIT(A) may consider the issue afresh after granting a reasonable opportunity of being heard to the assessee.

10. In the result, both the appeals filed by the assessee are allowed for statistical purposes.

Order pronounced in the open court on 23rd February, 2026.

Sd/-
(PRASHANT MAHARISHI)
Vice – President

Sd/-
(SOUNDARARAJAN K.)
Judicial Member

Bangalore,
Dated, the 23rd 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