

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH MUMBAI

**BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER
AND**

MS. KAVITHA RAJAGOPAL, JUDICIAL MEMBER

ITA No. 8031/MUM/2025

Assessment Year: 2013-14

M/S Nam Technologies Private Limited, 4 Neelkanth Shopping Arcade, Opp. Fine Arts Hall, Chembur, Mumbai-400071 (PAN : AAFCA 9204 L)	Vs.	DCIT-14(2)(2), Mumbai, Room No. 432, 4 th floor, Ayakar Bhavan, M.K. Road, Mumbai-400020
(Appellant)		(Respondent)

Present for:

Assessee : Shri Tarang Mehta, Advocate
Revenue : Shri Swapnil Choudhari, SR. DR

Date of Hearing : 11.02.2026
Date of Pronouncement : 25.02.2026

ORDER

PER OM PRAKASH KANT, AM:

This appeal by the assessee is directed against order dated 2nd September, 2025, passed by the Ld. Commissioner of Income Tax (Appeals) – National Faceless Appeal Centre (NFAC), Delhi [in short, CIT(A)] for assessment year 2013-14, raising following grounds:

- i. "That the learned CIT(A) has erred in law and on the facts in passing the appellate order, which is invalid and bad in law.
- ii. That the learned CIT(A) has erred in law and on facts in upholding the order passed u/s 147 r.w.s 144B of the Act which is illegal and bad in law.
- iii. That on the facts and in the circumstances of the case and in law, the CIT(A) has erred in upholding the reopening of assessment under section 148 of the Act.
- iv. That on the facts and circumstances of the case and in law, the CIT(A) has erred in upholding the addition of Rs.5,55,00,000/- under section 68 of the Act.
- v. That on the facts and circumstances of the case and in law, the CIT(A) has erred in not appreciating that the assessment order passed is in violation of principles of natural justice.

2. At the threshold, it is observed that the CIT(A) declined to admit the Assessee's appeal on the grounds of a 117-day delay, citing a failure to provide sufficient cause or documentary evidence for condonation

2.1 The Ld. Counsel for the Assessee submitted that the failure to respond to the CIT(A)'s notice regarding the delay was neither intentional nor contumacious. It was contended that the notice issued by the NFAC was not served upon or noticed by the Assessee in time. The Ld. Counsel argued that the Assessee was deprived of a fair opportunity to demonstrate "sufficient cause"—which primarily involved the non-availability of professional counsel and prevailing financial hardships. A plea was made to remit the matter to allow the Assessee to formalize the condonation request via a sworn affidavit and supporting evidence.

3. We have heard the rival submissions and perused the material on record.

3.1 It is a settled principle of law that the expression "sufficient cause" must receive a liberal construction to advance the cause

of substantial justice. When technical considerations and the cause of substantial justice are pitted against each other, the latter must prevail.

3.2 In the instant case, the Assessee had briefly explained the delay in Column 15 of Form No. 35. However, the CIT(A) dismissed the appeal *in limine* without the benefit of a formal condonation petition or affidavit, as the Assessee failed to respond to the statutory notice. The Assessee's primary contention—that this notice was not received—touches upon the principles of natural justice.

3.3 Justice should not only be done but should manifestly be seen to be done. We find that the Assessee deserves a one more opportunity to explain the lapse of 117 days. A delay of this duration is not so inordinate as to suggest a lack of *bona fides* or a deliberate abandonment of the right to appeal, especially given the high stakes involved (an addition of Rs. 5.55 Crores).

3.4 In light of the above, and to ensure that the Assessee is not non-suited on purely technical grounds without a hearing on merits, we deem it fit to set aside the impugned order of the Ld. CIT(A) and remit the matter back to the file of the CIT(A) for fresh consideration, with the direction to the Assessee to file a formal petition for condonation of delay, supported by an affidavit and relevant documentary evidence, before the Ld. CIT(A). The Ld. CIT(A) shall evaluate the sufficiency of the cause shown in accordance with the law. Should the delay be condoned, the Ld. CIT(A) is further directed to adjudicate the grounds of appeal on their

merits after providing the Assessee a reasonable opportunity to be heard.

4. In view of the above direction, the appeal of the assessee is allowed for statistical purposes.

Order is pronounced in the open court on 25th February, 2026

Sd/-
(Kavitha Rajagopal)
Judicial Member

Sd/-
(Om Prakash Kant)
Accountant Member

Dated: 25th February, 2026

Ankit, Sr.P.S.

Copy to :

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

(Dy./Asstt.Registrar)
ITAT, Mumbai