

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ "बी", चण्डीगढ़  
IN THE INCOME TAX APPELLATE TRIBUNAL, CHANDIGARH BENCH "B", CHANDIGARH

HEARING THROUGH: PHYSICAL MODE

श्री ललित कुमार, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य  
BEFORE: SHRI. LALIET KUMAR, JM & SHRI. MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. / ITA No. 608/Chd/ 2025  
निर्धारण वर्ष / Assessment Year : 2020-21

Vikram Singh Grover House No. 171, Sector 8A Chandigarh, Haryana-134101	बनाम	The DCIT Circle 1(1), Chandigarh
स्थायी लेखा सं. / PAN NO: AEGPG9429R		
अपीलार्थी/ Appellant		प्रत्यर्थी/ Respondent

निर्धारिती की ओर से/ Assessee by : None (Adj. Application)  
राजस्व की ओर से/ Revenue by : Dr. Ranjit Kaur, Addl. CIT, Sr. DR

सुनवाई की तारीख/ Date of Hearing : 25/02/2026  
उदघोषणा की तारीख/ Date of Pronouncement : 25/02/2026

**आदेश/Order**

**PER LALIET KUMAR, J.M:**

This appeal is directed against the order of the Ld. CIT, Appeal, Addl/JCIT(A)-2, Visakhapatnam passed u/s 250 of the Income-tax Act, 1961, wherein the Ld. CIT(A) dismissed the appeal in limine on the ground that the appeal was filed belatedly by 517 days and the delay was not condoned u/s 249(3) of the Act.

2. Brief facts are that an intimation u/s 143(1) dated 19.10.2021 was issued making adjustment relating to denial of HRA exemption and consequent demand was raised.

3. The assessee filed appeal before the CIT(A) on 19.04.2023 along with a petition for condonation of delay explaining that the intimation remained unnoticed and the assessee was pursuing rectification proceedings u/s 154. The learned CIT(A), however, held that the reasons did not constitute

sufficient cause and dismissed the appeal as non-maintainable without adjudicating the issues on merits.

4. Against the order of the Ld. CIT(A) the assessee preferred in appeal before the Tribunal.

5. During the course of hearing none appeared on behalf of the assessee however an adjournment application has been filed by the Ld. Counsel for the assessee.

6. Per contra, the Ld. DR relied upon the order of the CIT(A), however fairly submitted that appropriate directions may be issued by the Tribunal.

7. We have heard rival submissions and perused the record. It is an undisputed fact that the appeal was dismissed at threshold without examination of merits. The appellate proceedings are continuation of assessment proceedings and ordinarily disputes should be adjudicated on merits unless there is deliberate defiance or abuse of process.

7.1 At the same time, the conduct of the assessee shows clear negligence in approaching the appellate authority after an inordinate delay of 517 days. Such casual approach cannot be approved and deserves to be discouraged. Therefore, the interest of justice would be served if the assessee is granted one final opportunity subject to payment of cost and compliance of statutory conditions.

7.2 Accordingly, in the interest of substantial justice, we **set aside the impugned order of the CIT(A)** and restore the matter to his file for fresh adjudication **subject to the following conditions:**

(i) The assessee shall deposit **cost of Rs.10,000/-** in favour of the Income Tax Department within 30 days from receipt of this order and produce proof before the CIT(A).

(ii) The assessee shall comply with the mandatory conditions prescribed under **section 249 of the Income-tax Act**, including the prerequisite requirement of **payment of taxes due on returned income / admitted tax liability as contemplated under section 249(4)** before the appeal is admitted and heard.

(iii) In case of non-compliance of the above conditions, the CIT(A) shall be at liberty to dismiss the appeal in accordance with law.

7.3 Upon compliance, the learned CIT(A) shall provide adequate opportunity of hearing and decide the appeal on merits by a speaking order in accordance with law. The assessee is directed to cooperate in the proceedings and not seek unnecessary adjournments.

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

Order pronounced in the open Court on 25/02/2026

Sd/-

**मनोज कुमार अग्रवाल**  
(MANOJ KUMAR AGGARWAL)  
लेखा सदस्य/ ACCOUNTANT MEMBER

Sd/-

**ललित कुमार**  
(LALIET KUMAR)  
न्यायिक सदस्य / JUDICIAL MEMBER

AG

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

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,  
सहायक पंजीकार/ Assistant Registrar