

IN THE INCOME TAX APPELLATE TRIBUNAL, CUTTACK BENCH CUTTACK

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER

ITA No. 134/CTK/2026
(Assessment Year: 2019-20)

Deepa Prajapati, Prajapati Bhawan, Main Road, Raurkela, Sundergarh, Sundergarh-769001 (Odisha) PAN No. AARPP 6708 R	Vs.	Assessing Officer, Raurkela.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	Shri Chitrasen Parida, A.R.
Department represented by	Shri Sanjib Banerjee, Sr. DR
Date of hearing	25/02/2026
Date of pronouncement	25/02/2026

ORDER

PER: BENCH

1. This is the appeal filed by the assessee against the order of the Id. CIT(A), NFAC, Delhi in Appeal No. NFAC/2018-19/10335796 dated 19/01/2026 for the A.Y. 2019-20.
2. Shri Chitrasen Parida, Id. A.R. appeared on behalf of the assessee and Shri Sanjib Banerjee, Id. Sr. DR represented on behalf of the revenue.
3. At the time of hearing before us, it was submitted by the Id. AR that the Id. CIT(A) has dismissed the appeal of the assessee without condoning the delay of 88 days in filing appeal before the Id. CIT(A). It was the submission that the Id. CIT(A) has dismissed the appeal of the assessee without considering the merit of the case. It was also the submission that the Assessing Officer has also passed assessment

order ex parte without giving the assessee a reasonable opportunity of being heard. It was the prayer that the matter may be restored to the file of the Id. Assessing Officer for readjudication on merit after condoning the delay in filing appeal before the Id. CIT(A) and the assessee could be able to produce all the evidences to substantiate her claim.

4. In reply, Id Sr.DR vehemently supported the orders of the Assessing Officer and Id. CIT(A). However, it was submitted by the Id. Sr.DR that if the issues are being restored to the file of the Assessing Officer, then exemplary cost must be levied.
5. We have considered the rival submissions. A perusal of the order of the Id. CIT(A) shows that the Id. CIT(A) has dismissed the appeal of the assessee on the ground of condonation of delay and without considering the merit of the case. We also found that the Assessing Officer has also passed ex parte assessment order. When substantial justice is pitted against technicality such as limitation, it is always better to follow the principles of adjudicating in respect of the substantial justice. By not condoning the delay in filing of the appeal, considerable loss could be caused to the assessee but by condoning the delay and adjudicating on merits, the assessee would also know what is the mistakes that it has committed. This being so, we are of the view that the delay in filing of the appeal before the Id. CIT(A) is liable to be condoned and we do so. It is noticed from the order of the Assessing Officer that the assessee could not substantiate its claim by providing

relevant documents. This being so, in the interest of justice, we restore the issues in the appeal to the file of Assessing Officer for readjudication on merits after providing the assessee adequate opportunity of being heard. The assessee is directed to cooperate with the Assessing Officer and also directed to provide all the relevant documents and evidences as required by the Assessing Officer. However, looking to the non-cooperation of the assessee during the course of assessment proceedings even after issuance of notices to the assessee by the Assessing Officer, we impose a cost of **Rs.10,000/- (Rupees Ten Thousands only)** on the assessee, as admitted by the Id. A.R. of the assessee, to be payable 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 above-mentioned cost 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, this appeal of the assessee is partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 25/02/2026.

Sd/-
(MADHUSUDAN SAWDIA)
ACCOUNTANT MEMBER

Sd/-
(GEORGE MATHAN)
JUDICIAL MEMBER

Cuttack, Dated: 25/02/2026

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT(A)
4. CIT
5. DR
6. Guard File

By Order

Assistant Registrar, ITAT, Cuttack