

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं सुश्री पदमावती यस, लेखक सदस्य के समक्ष
BEFORE SHRI ABY T. VARKEY, JUDICIAL MEMBER AND
MS. PADMAVATHY.S, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.3628/Chny/2025
&
SA No.6/Chny/2026
(Arises in ITA No.3628/Chny/2025)
निर्धारण वर्ष /Assessment Year: 2016-17

Dharman Sivakumar,
5/135, Keelmaraiamman Kovil Street,
Dharmapuri Collectorate S.O.,
Dharmapuri – 636 705.
PAN: BYKPS 9499C

The Income Tax Officer,
Vs. Ward-1,
Dharmapuri.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Mr. S. Sridhar, Advocate, Erode (virtual)
: Mr.Raja Kumar, Addl. CIT

सुनवाई की तारीख/Date of Hearing
घोषणकी तारीख /Date of Pronouncement

: 19.02.2026
: 25.02.2026

आदेश / ORDER

PER PADMAVATHY.S, A.M:

This appeal and stay application by the assessee are against the order of the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre (NFAC), Delhi, (in short "CIT(A)") passed u/s. 250 of the Income Tax Act, 1961 (in short "the Act") dated 18.09.2025 for Assessment Year (AY) 2016-17.

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2. The assessee is an individual and did not file the return of income. The Assessing Officer (AO) received information that the assessee has deposited cash to the tune of Rs.1,62,10,334/-. The AO initiated the assessment proceedings and passed an order under section 148A(d) stating that since the assessee did not file any details explaining the source for the above transactions it is a fit case for reopening under section 147. The AO issued a notice under section 148 requiring the assessee to furnish relevant details. The assessee filed the return of income declaring total income of Rs.1,68,000/-. The assessee submitted that the deposits and withdrawals in his bank account are done by his employer M/s.PKP Spintex Mills Pvt. Ltd. and that the funds do not belong to the assessee. The AO did not accept the submissions of the assessee and added the entire cash deposit as short term capital gain in the hands of the assessee. Aggrieved, the assessee filed appeal before the CIT(A). Since the assessee did not respond to the notices issued by the CIT(A) the appeal was decided ex-parte confirming the addition made by the AO. The assessee is in appeal before the tribunal against the order of the CIT(A).

3. There is a delay of the 01 day in filing the appeal before the tribunal and the assessee filed the petition seeking condonation of delay. Having heard both the parties and perused the material on record, we are of the view that there is a reasonable and sufficient cause for the delay in filing the appeal before the Tribunal. Therefore following the Hon'ble Supreme Court decision in the case of Collector, Land Acquisition Vs. MST.Katiji & Ors., (167 ITR 471) (SC) we condone the delay of in filing the appeal and admit the appeal for adjudication.

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4. We heard the parties and perused the material on record. The Ld. AR submitted that the assessee is not an educated person and does not have any technical knowledge to access computers. The Ld. AR further submitted that the assessee therefore is completely dependent on counsel with regard to income tax matters who did not handle assessee's case properly. The Ld. AR accordingly, prayed that the assessee be given one more opportunity. Considering the facts and circumstances unique to the assessee's case, we are inclined to give one more opportunity to the assessee to present the case properly before the lower authorities. We therefore remit the appeal back to the AO with a direction to consider the impugned issue afresh on merits by calling for required details to decide the issue in accordance with law. The assessee is directed to file necessary documents in support of the impugned additions made by the AO and cooperate with assessment proceedings without seeking unnecessary adjournments. It is ordered accordingly.

5. Since, we have remitted the appeal back to the AO for fresh consideration the stay petition filed by the assessee has becomes infructuous.

6. In result, the appeal of the assessee is allowed for statistical purposes and the stay application is dismissed as infructuous.

Order pronounced on 25th day of February, 2026 at Chennai.

**Sd/-
(एबी टी. वर्की)
(ABY. T. Varkey)**

न्यायिक सदस्य / Judicial Member

**Sd/-
(पदमवती यस)
(Padmavathy.S)**

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 25th February, 2026.

EDN, Sr. P.S

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आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF