

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

I.T.A. No. 262 & 263/Ran/2025
(Assessment Years-2015-16 & 2016-17)
(Virtual Hearing)

Dinesh Agarwal HUF, 2C, Tara Tower, Exhibition Road, Phulwari, Patna-800001 (Bihar) PAN No. AAGHD 0988 Q	Vs.	D.C.I.T./A.C.I.T., Circle-1, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	Shri Devesh Poddar, Adv.
Department represented by	Shri Kailash Gautam, Sr.DR
Date of hearing	12/02/2026
Date of pronouncement	05/03/2026

ORDER

PER: RATNESH NANDAN SAHAY, A.M.

1. These appeals by the assessee are directed against the separate orders of the National Faceless Appeal Centre, Delhi (NFAC)/learned Commissioner of Income Tax (Appeals), [in short, the Id. CIT(A)] dated 20/03/2025 and 07/01/2025 for the Assessment Years (AY) 2015-16 and 2016-17 respectively. Both these appeals have identical facts and grounds, therefore, we decide these appeals by passing the common order. Firstly we take ITA No. 262/Ran/2025 for the A.Y. 2015-16. In this appeal, the assessee has raised following grounds of appeal:

- "1. For that Ld CIT(A) was not justified in dismissing the appeal of the assessee ex-parte without appreciating the facts and grounds of appeal.
2. For that there is a double addition of Rs. 17,66,329/- to the extent that the same has been added by the Ld AO individually as well as included in the sum addition of Rs. 35,32,658/-.

3. *For that the AO was not justified in making the addition of various expenses in an ad-hoc manner without pointing out any specific defects. The books of the assessee were audited and the financial figures were reasonable and comparative. As such, the disallowance made is fit to be deleted.*
4. *For that the addition made of Rs. 10,59,797/- U/s 40(a)(ia) being 30% of the above expenses Rs. 35,32,658/- for non deduction of TDS is fit to be deleted since TDS as required was rightly deducted and paid by the assessee. The reasons for non deduction was not looked into by the Ld AG and as such, the addition made U/s 40(a)(ia) is fit to be deleted.*
5. *For that any other grounds in detail shall be argued at the time of hearing."*

2. We found from perusal of the record that there is a delay of 65 days in filing this appeal before this Tribunal, for which a petition for condonation of delay was filed by the assessee mentioning the fact that the appeal fees was paid by challan dated 25/06/2025. However, due to certain personal engagement in the family of the assessee, the required papers could not be gathered within time for filing of this appeal. The delay was not intentional and deliberate and beyond the control of the assessee and prayed that the delay may be condoned. The Id. Sr.DR did not raise any serious objections. Therefore, considering the contents made in the condonation petition, we condone the delay in filing the appeal before this Tribunal.
3. On merit of the case, the Id. AR of the assessee submits that the Assessing Officer made various additions and completed the assessment proceedings under Section 143(3) of the Income Tax Act, 1961. On appeal before the Id. CIT(A), no proper and reasonable opportunities were provided to the assessee and the appeal of assessee was dismissed by passing ex parte order. The assessee, therefore, has prayed to give one more opportunity to substantiate its case and the issue may be restored back to the file of Id. CIT(A).

4. On the other hand, the learned Senior Departmental Representative (Id. Sr.DR) supported the orders of the lower authorities and stated that onus was on the assessee to substantiate its case. Thus, the assessee does not deserve any leniency and additions made by the Assessing Officer may be upheld.
5. We have considered the rival submissions, we find that the Id. CIT(A) has passed *ex parte* order. The assessee was served with various notices, as recorded by the Id. CIT(A) in para 4.1 of his impugned order, to substantiate the various grounds of appeals raised before Id. CIT(A). However, no compliance was made by assessee. Accordingly, the Id. CIT(A), in absence of any submission or evidence, confirmed the addition made by the Assessing Officer. Now before us, the Id. AR of the assessee prayed to provide one more opportunity to decide the case on merit before the Id. CIT(A). It is correct that reasonable opportunities have been provided to the assessee, still, there was no compliance. The facts remain that the income tax laws are within the ambit of welfare legislation which are absolutely separate from penal legislation and therefore, given the facts and circumstances and as per applicable law, benefit of doubt has to be attributed to the assessee/tax payer. There may be circumstances beyond the control of assessee due to which the assessee may not have able to comply with the notices before the revenue authorities. Under the given facts on record, which cannot be said that such non-compliance was deliberate or malafide on the part of assessee. Considering the facts and circumstances of the case and keeping in view the principles of natural justice, the matter is restored to the file of Id. CIT(A) for deciding the appeal afresh in accordance with law. Needless to direct that before passing

the order, the Id. CIT(A) shall grant reasonable opportunity of being heard to the assessee. The assessee is also directed to avail this opportunity and not to cause further delay and seek adjournment without any valid reasons and to furnish all the details and evidences to justify various grounds of appeal. In the result, the grounds of appeal raised by the assessee are allowed for statistical purposes.

6. Similarly in ITA No.263/Ran/2025 for the A.Y. 2016-17, we find that in this appeal, there is also a delay of 126 days, for which the assessee has filed application for condonation of delay. In this appeal, the assessee has raised similar grounds of appeal except variation of addition made by the Assessing Officer. We also find that the facts of the case and the grounds of appeal as raised in ITA No. 262/Ran/2025 for the A.Y. 2015-16 are similar, where we have restored the appeal back to the file of Id. CIT(A) after condoning the delay, therefore, keeping in view the principle of consistency on similar set of facts, the delay of 126 days in filing this appeal before this Tribunal is also condoned and this appeal of the assessee is also restored back to the file of Id. CIT(A) with similar direction.
7. In the result, both the appeals of the assessee are allowed for statistical purpose.

Order pronounced in open court on 05 March, 2026.

Sd/-
(GEORGE MATHAN)
JUDICIAL MEMBER

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

Ranchi, Dated: 05/03/2026

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Ranchi