



IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR 'SMC' BENCH, NAGPUR

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.19/NAG/2026

Assessment Year : 2020-21

Geeta Premchand Nathani, Near Bhagatsing Square Janta Square Ramnagar, Wardha- 442001, Maharashtra PAN: AMOPN1843Q	Vs.	Income Tax Officer, Ward 2, Wardha
Appellant		Respondent

Appellant by	:	Shri Vishwas Sodheja (through Virtual)
Respondent by	:	Shri Surjit Kumar Saha (Virtual)
Date of hearing	:	12.03.2026
Date of pronouncement	:	27.03.2026

आदेश / ORDER

The captioned appeal at the instance of assessee pertaining to A.Y. 2020-21 is directed against the order dated 25.11.2025 framed by National Faceless Appeal Centre, Delhi (NFAC) arising out of Assessment Order dated 26.03.2025 passed u/s.147 r.w.s144 of the Income Tax Act, 1961 (in short 'the Act').

2. I have heard the rival contentions and perused the record placed before me. I observe that the assessee is an individual and engaged in the business of Firecrackers. Income of Rs.4,88,570/- declared in the return filed for A.Y. 2020-21. Based on the information available with the department after the search and seizure and seizure action conducted u/s.132 of the Act in the case of Ambica Ashish Tradelink LLP certain incriminating material pertaining to assessee were found indicating that assessee had made cash



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transaction of Rs.4,16,000/- with M/s. Ambica Ashish Tarde Link LLP. Case of the assessee reopened by way of issuance of notice u/s.148 of the Act after obtaining proper approval and recording the reasons. However, there was no response from the side of the assessee to various opportunities provided by the ld. Assessing Officer resulting into addition of Rs.4,16,000/- as unexplained cash transaction u/s.69C of the Act.

3. Aggrieved assessee approached ld.CIT(A) but with a delay of 126 days. Ld.CIT(A) dismissed the appeal by not condoning the delay. Now the assessee has approached this Tribunal challenging the *exparte* impugned order.

4. Before me, ld. Counsel for the assessee submitted that due to severe illness of the assessee, there was non-compliance. Given an opportunity, the assessee is now in a position to substantiate the cash transaction so made with M/s. Ambica Ashish Tarde Link LLP and the assessee had no opportunity to cross examine and rebut the incriminating documents. He therefore prayed for restoring the issues to the file of ld.CIT(A) for necessary adjudication to which no objection raised by the ld. Departmental Representative.

5. In the instant case, the assessee pleaded before ld.CIT(A) that due to severe illness the appeal could not be filed within the stipulated time and prayed for condoning the delay. The Hon'ble Supreme Court in catena of decisions unequivocally laid down that when an explanation regarding delay does not smack of malafides and is otherwise reasonable acceptance ought to be the rule and refusal an



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exception. A hyper-technical or pedantic approach, resulting in the dismissal of matters at the threshold, is discouraged as it may cause irreparable prejudice by foreclosing adjudication on merits. The expression "sufficient cause" occurring in limitation statutes has consistently been interpreted to receive a liberal and justice-oriented construction, so as to advance rather than defeat the cause of substantial justice. At the same time, the delay should neither be intentional nor for taking any undue benefit by the assessee. If the reasons explained by the assessee are bonafide and there is no element of deliberate delay or taking undue advantage in filing the appeal belatedly, then the concept of liberal interpretation must be applied while considering the sufficient cause for delay in filing the appeal. In the instant case, I find that the delay in filing the appeal was not with a malafide intention and therefore I am of the considered opinion that the appeal of the assessee' case must be decided on merits. Under the given facts and circumstances of the case, the delay in filing of appeal before ld.CIT(A) is hereby condoned.

6. Since Ld.CIT(A) has not decided the appeal on merits, I deem it proper to restore the issues back to the file ld. CIT(A) for *denovo* adjudication. In view thereof, without dwelling into merits of the issue, the issues raised in the instant appeal are being remitted to the file of ld.CIT(A) for necessary adjudication. Needless to mention that ld.CIT(A) in the set aside proceedings shall provide reasonable opportunity of hearing to the assessee. Assessee is also directed to remain vigilant and not to take adjournment



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unless otherwise required for reasonable cause, failing which the Id.CIT(A) shall be free to proceed in accordance with law. Findings of the CIT(A)/NFAC are set aside and Grounds of appeal raised by the assessee are allowed for statistical purposes.

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

Order pronounced on this 27th day of March, 2026.

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Nagpur/ दिनांक / Dated : 27th March, 2026.

Satish

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर SMC बेंच, नागपुर / DR, ITAT, "Nagpur SMC Bench, Nagpur
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Assistant Registrar,
आयकर अपीलीय अधिकरण, नागपुर/ ITAT, Nagpur