

IN THE INCOME TAX APPELLATE TRIBUNAL

"E" BENCH, MUMBAI

BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER

SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No. 9471/Mum./2025

(Assessment Year : 2017-18)

Kailashidevi Umakant Bharadwaj,

Room No.15, Moolchand Compound,

Kherni Road Mumbai,

Sakinaka S.O. Mumbai,

Mumbai - 400072

PAN : APEPB6363A

..... Appellant

v/s

Income Tax Officer, Ward – 41(1)(2),

Kautilya Bhawan, C41 – 43,

Avenue 3, Near Videsh Bhavan,

G-Block BKC, Gilban Area,

Bandra Kurla Complex, Bandra East,

Mumbai – 400051

..... Respondent

Assessee by : Shri Bharat Kumar

Revenue by : Shri Ritesh Misra, CIT-DR

Date of Hearing – 25/03/2026

Date of Order – 27/03/2026

ORDER

PER SANDEEP SINGH KARHAIL, J.M.

The assessee has filed the present appeal against the impugned order dated 27/09/2025, passed under section 250 of the Income Tax Act, 1961 (*"the Act"*) by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, [*"learned CIT(A)"*], for the assessment year 2017-18.

2. In this appeal, the assessee has raised the following grounds: -

"1. The Ld. CIT(A) erred in not condoning the delay of 359 days in filing the appeal before him, as the assessee had bona fide sufficient cause.

2. The Ld. CIT(A) erred in confirming the addition of Rs. 1,14,62,563/- made by the AO without appreciating the evidence on record, thereby violating principles of natural justice and section 250 of the Income Tax Act, 1961."

3. The present appeal is delayed by 31 days. Along with the appeal, the assessee has filed an application seeking condonation of the delay in filing the present appeal, duly supported by the affidavit of the assessee stating as follows: -

"1. That I am the Appellant in ITA No. 9471/MUM/2025 for Assessment Year 2017-18 pending before the Hon'ble Income Tax Appellate Tribunal, E-Bench, Mumbai, and as such am well acquainted with the facts of the case and competent to swear this affidavit.

2. That an assessment order under section 143(3) of the Income Tax Act, 1961 was passed by the Assessing Officer on 29.04.2023 in my case determining total income and raising a demand.

3. That I am a homemaker with no formal education or knowledge of income tax law, procedures, or limitation periods, and I have always been dependent on my Chartered Accountant for all income tax and e-filing related matters.

4. That the income tax e-filing portal and all communications from the Department were being handled by my Chartered Accountant, who had registered his own email ID rkchoudhary1728@gmail.com" on the portal for the purpose of receiving notices and communications.

5. That I did not have any independent access to the aforesaid email account and was therefore unaware of the assessment order dated 29.04.2023 and of the statutory time limit for filing an appeal before the Commissioner of Income Tax (Appeals).

6. That due to the above circumstances, the appeal before the learned CIT(A) was filed belatedly on 18.05.2024, which was beyond the prescribed period of limitation under section 249(2) of the Income Tax Act, 1961, resulting in a delay of about 385 days.

7. That at the time of filing the appeal before the learned CIT(A), no separate application for condonation of delay was filed, as I was not aware of such procedural requirements and was relying entirely on my Chartered Accountant's advice and actions.

8. That the learned CIT(A), vide order dated 27.09.2025, dismissed my appeal in limine solely on the ground of delay without going into the merits of the case.

9. *That I have now filed an appeal before the Hon'ble Income Tax Appellate Tribunal, E-Bench, Mumbai, along with an Application for Condonation of Delay in filing the appeal before the learned CIT(A), and I respectfully pray that the delay be condoned and the matter be restored for adjudication on merits.*

10. *That the delay in filing the appeal before the learned CIT(A) was neither deliberate nor intentional but occurred due to bona fide and reasonable circumstances beyond my control, as explained above. have acted in good faith throughout and have no intention to evade or avoid my statutory obligations.*

11. *That I have a substantial and arguable case on merits, and if the delay is not condoned, I will suffer grave hardship and irreparable loss, whereas no prejudice will be caused to the Revenue by condoning the delay and allowing the matter to be heard on merits.*

12. *That the contents of my Application for Condonation of Delay filed before the Hon'ble Tribunal may be read as part and parcel of this affidavit and be treated as if specifically reproduced herein for the sake of brevity, as they are not repeated to avoid duplication."*

4. We find that the reasons stated by the assessee for seeking condonation of delay fall within the parameters for grant of condonation laid down by the Hon'ble Supreme Court in the case of Collector Land Acquisition, Anantnag Vs. MST Katiji and others: 1987 SCR (2) 387. It is well established that rules of procedure are handmaid of justice. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. In the present case, the assessee did not stand to benefit from the late filing of the appeal. In view of the above and having perused the affidavit, we are of the considered view that there exists sufficient cause for not filing the present appeal within the limitation period, and therefore, we condone the delay in filing the appeal by the assessee, and we proceed to decide the appeal.

5. It is evident from the record that the learned CIT(A) dismissed the appeal filed by the assessee on the ground of delay without adjudicating the

grounds raised by the assessee on merits against the additions made vide order passed under section 147 read with section 144 read with section 144B of the Act. From the perusal of the affidavit filed by the assessee, we find that the assessee also explained the circumstances due to which the appeal could not be filed within the prescribed limitation period before the learned CIT(A). Therefore, having perused the affidavit, we are of the considered view that the assessee has proved sufficient cause for not filing the appeal before the learned CIT(A) within the prescribed limitation period. It is further pertinent to note that the assessee does not stand to benefit by not challenging the additions made vide assessment order. Further, from the perusal of the order passed in the case of the assessee's husband by the learned CIT(A), placed on record by the learned AR, we find that for similar reasons the delay in filing the appeal by the assessee's husband was condoned by the learned CIT(A). Accordingly, in view of the facts and circumstances as noted above, we are of the view that the learned CIT(A) erred in not condoning the delay in a similar factual matrix in the case of the assessee.

6. We find that during the assessment proceedings, the assessee could not produce the document as sought by the AO and, therefore, the assessment was completed on the best judgment basis under section 147 read with section 144 read with section 144B of the Act on the basis of the material available on record. In the affidavit of the assessee, as reproduced in the foregoing paragraphs, the reasons for not filing the details during the assessment proceedings have been stated. From the perusal of the order passed in the case of the assessee's husband by the learned CIT(A), we find

that for a similar transaction of purchase of immovable property, the matter has already been restored to the file of the AO as the assessment was concluded under section 144 of the Act.

7. Therefore, in the facts and circumstances as noted above, we are of the considered view that, in the interest of justice and fair play, the assessee be granted one more opportunity to represent its case on merits and produce all the documents in support of its claim. Since in the present appeal, the assessee also did not appear before the AO, we deem it fit and proper to restore the matter to the file of the jurisdictional AO for *de novo* adjudication on merit after considering all the details/submissions as may be filed by the assessee and after providing due opportunity of hearing to the assessee. The assessee is directed to cooperate in the assessment proceedings and furnish all the details as may be sought by the AO for complete adjudication. As a matter is being restored to the jurisdictional AO for adjudication on merits, the other grievances raised by the assessee in the present appeal do not call for adjudication at this stage. Accordingly, the impugned order is set aside, and the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open Court on 27/03/2026

Sd/-
OM PRAKASH KANT
ACCOUNTANT MEMBER

Sd/-
SANDEEP SINGH KARHAIL
JUDICIAL MEMBER

MUMBAI, DATED: 27/03/2026
Prabhat

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Mumbai; and*
- (5) *Guard file.*

By Order

Assistant Registrar
ITAT, Mumbai