

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'E': NEW DELHI**

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT  
AND  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

ITAs No.7588 & 7589/Del/2025  
(ASSESSMENT YEAR: 2019-20)

Vinit Kumar, C-66, 2 <sup>nd</sup> Floor, Sector-108, Noida, Uttar Pradesh. <b>PAN-ASJPK8057E</b>	Vs.	Income Tax Officer, Ward-2(5), Noida.
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Shri Pawan Chouhan, CA
Department by	Ms. Ankush Kalra, Sr. DR
Date of Hearing	01/04/2026
Date of Pronouncement	01/04/2026

**ORDER**

**PER MANISH AGARWAL, AM:**

These two appeals are filed by the assessee against two separate orders of the Id. Commissioner of Income Tax (Appeals) [CIT(A)], National Faceless Appeal Centre (NFAC), both dated 15.10.2025 for AY 2019-20 passed u/s 250 of the Income Tax Act, 1961 (the Act) dismissing the appeals of the assessee arising out of the assessment order passed u/s 147 r.w.s.144 r.w.s.144B of the Act dt. 23.02.2024 and penalty order passed u/s 271AAC of the Act dt.12.07.2024.

2. Brief facts are that appellant is a resident individual and not filed his return of income. The AO based on the information that that appellant made cash deposit of Rs. 3,07,500/- in his Bank account with Bank of Baroda and no Return of Income was filed, initiated the reassessment proceedings after following the due procedure

u/s 148A of the Act. Thereafter notice u/s 148 was issued however, the same was not complied with by the assessee. The AO then issued notice u/s 142(1) calling upon the appellant to file true and correct return of income for the impugned Assessment Year. However, the appellant failed to furnish any return of income in response to this notice also. Thereafter the AO passed the order on 23.02.2024 u/s 147/144 of the Act, on the basis of material available on record, wherein the income of the assessee was determined at Rs. 56,60,256/-, by making addition towards all the credit entries in the bank account by treating them as unexplained money u/s 69A and invoked the provisions of section 115BBE of the Act. Thereafter the AO proceeded to complete the penalty proceedings u/s 271AAC of the Act initiated in the reassessment order and vide order dt. 12.07.2024 has levied the penalty of Rs. 4,41,500/-.

3. Against these orders, two separate appeal were filed by the assessee before the Id. CIT(A) which were dismissed *in limine* as the same were filed delayed by 500 days and 359 days respectively.

4. Against such order, present appeals are filed by the assessee before the Tribunal.

5. At the outset from the perusal of grounds appeal, it is seen that besides challenging the additions and levy of penalty by the AO, assessee challenged the appellate orders where the appeals of the assessee were not admitted on account of delay in filing the appeal before the Id. CIT(A). Since the Id. CIT(A) has dismissed both the appeals of the assessee *in limine* on the ground of limitations thus we first decide the issue of condonation of delay in filing the appeals by the assessee.

6. Before us, it was submitted by ld. AR that ld. CIT(A) has dismissed both the appeals without giving sufficient opportunity of hearing. It was the submission that the ld. CIT(A) has not condoned the delay of 500 days in filing appeal against the reassessment order and delay of 359 days in filing appeal against the penalty order. Before ld. CIT(A) assessee has made following prayer for condonation of delay in filing the appeals:

*“The notices were sent to an old address that the Appellant had vacated long ago, and the e-mail address linked to the PAN was that of a former consultant engaged in 2013, which was no longer accessible to the Appellant. Further, the original PAN was lost, and a new PAN was inadvertently obtained on 23.06.2022. The reassessment proceedings were initiated under the old and inactive PAN (ASJPK8057E), of which the Appellant became aware only in June 2024. Immediately upon learning of the proceedings, the Appellant took bona fide steps to regularize the PAN status and collect the relevant records. The delay and noncompliance were entirely unintentional and arose due to genuine circumstances beyond the Appellant’s control.....”*

7. Before us, ld. AR of the assessee submitted that inadvertently assessee has obtained another PAN and the since Aadhar was linked with the new PAN, the fact of initiation of reassessment proceedings was never come to the knowledge of the assessee nor the fact of passing of the reassessment order as well as penalty order was come to his knowledge. When the assessee has come to know about the passing of these orders, he immediately proceeded to surrender the new PAN as without surrendering the same, e-filing of appeal could not be possible. Accordingly, vide letter dt. 06.08.2024 assessee made a request for surrender of the new PAN and when the request of the assessee was accepted, he immediately linked his Aadhar with the old PAN and filed both the appeals. In this process, the appeals against both the orders were got delayed. This fact was submitted before the ld. CIT(A) however, he has not accepted the request of the assessee and dismissed the appeals by not condoning the delay in filing the appeal under section 249(3) of the Act. Ld. AR submits that there was no malafide intention of the assessee in filing the appeals

delayed and the reason stated is a reasonable cause and circumstances were beyond the control of the assessee. He thus prayed that delay in filing the appeals before the Id. CIT(A) be condoned and the issue may be sent to the file of the AO as the reassessment order was passed ex-parte.

8. In reply, Id. Sr. DR vehemently supported the order of Id. CIT(A) and submits that assessee neither filed return of income nor made any submission before the AO. It is further stated that the assessee should not be provided another opportunity as it seems that he is not serious in the matter. Hence, Id. Sr. DR requested for the confirmation of the orders of Id. CIT(A).

9. We have considered the rival submissions. Adverting to the facts of the present case, it is seen that the assessee has not filed return of income and it was the contention of the assessee that he was not aware of any reassessment proceedings as inadvertently he has obtained second PAN and all the notices of hearing were sent by the AO on the old PAN. Moreover, there was delay of 500 days in filing the appeal against the reassessment order and delay of 359 days against the filing of appeal against the penalty order. It is true that the assessee would not gain anything by filing the appeals late. There is no mala fide imputable to the assessee. It must be remembered that in every case of delay there can be some lapse of the litigant concerned. That alone is not enough to turn down the plea and to shut the doors against him. If the explanation does not smack of mala fide or it is not put-forth as a part of dilatory strategy, the Courts must give utmost consideration to such litigant. It is also a matter of fact that Assessee has filed an application for cancellation of new PAN however, the Revenue has taken almost one year to process the request of the assessee.

10. Considering the overall facts and circumstances of the case and in the larger interest of justice, we are of the opinion that the delay in filing of both the appeals before the Id. CIT(A) should be condoned. However, looking to fact that assessee had applied for another PAN despite already having a PAN, therefore, we imposed a cost of Rs. 5000/- for each appeal to be deposited with the Delhi High Court Legal Services Committee, Delhi High Court and produce the receipts before the assessing officer within a period of one month from the receipt of this order. With this direction, we condone the delay in filing both the appeals before the learned CIT(A). Since the reassessment order was passed ex-parte, therefore, in larger interest of justice, the appeal of the assessee against the reassessment order passed u/s 147 r.w.s. 144 of the Act is remanded to the file of the AO with the direction to pass the reassessment order denovo fresh after providing reasonable opportunity of being heard to the assessee. The grounds of appeal No. 1 to 3 raised by the assessee in the appeal filed against the reassessment order are allowed for statistical purposes.

11. Since we have condoned the delay in filing the appeal before the CIT(A) and remand the matter to the file of AO, thus other grounds of appeal taken on the merits of the additions are become academic and thus not adjudicated.

12. Now coming to the appeal filed by the assessee against the levy of penalty u/s 271AAC of the Act. Since we have already set aside the reassessment order passed u/s 147/144 of the Act to the file of the AO for making fresh assessment, the penalty levied u/s 271AAC of the Act has no legs to stand. Accordingly, the appeal filed by the assessee against the penalty order is allowed. However, the AO is at liberty to reinstate the penalty proceedings, if the circumstances desired so, while framing the reassessment order in set aside proceedings in terms of the direction given here in above.

13. In the result, appeal of the assessee in **ITA No. 7588/Del/2025** is allowed for statistical purposes and appeal in **ITA No. 7589/Del/2025** is allowed.

Order pronounced in open Court on 01.04.2026.

Sd/-  
**(MAHAVIR SINGH)**  
**VICE PRESIDENT**

Sd/-  
**(MANISH AGARWAL)**  
**ACCOUNTANT MEMBER**

Dated: 02.04.2026.

*\*PK, Sr. Ps\**

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

**ASSISTANT REGISTRAR**  
**ITAT NEW DELHI**