

IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH : BANGALORE

BEFORE SHRI SUNIL KUMAR YADAV, JUDICIAL MEMBER
AND SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

ITA NOS.	A.Y.	APPELLANT(S)	VS.	RESPONDENT
320 to 323/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, Holalkere Road Branch, Basappa Complex, Holalkere Road Chitradurga – 577501. PAN/TAN: BLRT 09707F		The Income Tax Officer, TDS Ward, Davangere.
324 to 327/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, C.K. Pura Branch, C.K. Pura Extension, Chitradurga – 577501. PAN/TAN: BLRT 09712D		The Income Tax Officer, TDS Ward, Davangere.
328 to 331/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, Head Office, Santhepete, Chitradurga – 577501. PAN/TAN: BLRT 03381A		The Income Tax Officer, TDS Ward, Davangere.
332 to 335/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, RMC Yard Branch, RMC Yard, Chitradurga – 577501. PAN/TAN: BLRT 09714F		The Income Tax Officer, TDS Ward, Davangere.

336 to 339/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, JCR Extension Branch, 4 th Cross, JCR Extension, Chitradurga – 577501. PAN/TAN: BLRT 09711C	The Income Tax Officer, TDS Ward, Davangere.
340 to 343/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, SJT Branch, Kaveri Complex, 1 st Main Road, Vidyanagar Extension, Chitradurga – 577501. PAN/TAN: BLRT 09715G	The Income Tax Officer, TDS Ward, Davangere.
344 to 347/Bang/2016	2010-11 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, Jogimatti Road Branch, Chitradurga – 577501. PAN/TAN: BLRT 09713E	The Income Tax Officer, TDS Ward, Davangere.
348 to 350/Bang/2016	2011-12 to 2013-14	The Merchants Souharda Sahakara Bank Niyamitha, IUDP Layout Branch, Sukutha Nilaya, 6 th Cross, IUDP Layout, Chitradurga – 577501. PAN/TAN: BLRT 09708G	The Income Tax Officer, TDS Ward, Davangere.

Appellant by	:	Shri Sandeep C. C.A.
Respondent by	:	Shri M.K. Biju, Jt.CIT(ITAT-3) (DR)

Date of hearing	:	25.01.2017
Date of Pronouncement	:	25.01.2017

ORDER

Per Bench

These appeals are preferred by the assesseees against the order of CIT(Appeals) *inter alia* on common grounds. For the sake of reference, the grounds of appeal raised in ITA No.320/Bang/2016 are extracted hereunder:-

- “1. That the order of the learned Commissioner of Income-tax (Appeals), in so far it is prejudicial to the interests of the appellant, is bad and erroneous in law and against the facts and circumstances of the case.
2. That the learned Commissioner on Income Tax (Appeals) erred in law and on facts in not condoning the delay even though the appellant had sufficient and reasonable cause for delay in filing the appeal.
3. That the learned Commissioner on Income Tax (Appeals) erred in law and on facts in rejecting the condonation of delay on the ground that the appeal was filed mere after thought.
4. That the learned Commissioner of Income Tax (Appeals) ought to have decided the case on merits and ought to have held that the appellant is not liable to deduct tax at source on the interest paid to its members and order u/s. 201(1) and 201(1A) ought to have quashed.
5. That the learned Commissioner of Income Tax (Appeals) ought to have held that the demand u/s. 201(1) and interest u/s. 201(1A) is not sustainable in law.

Each of the above grounds is without prejudice to one another and the appellant craves leave of the Hon'ble Income Tax Appellate Tribunal, Bangalore to add, delete, amend or otherwise modify one or more of the above grounds either before or at the time of hearing of this appeal.”

2. During the course of hearing, the Id. counsel for the assesseees has invited our attention to the fact that the CIT(Appeals) has dismissed the appeals being barred by limitation; whereas the delay in filing of the appeal was 64 days only. He further contended that before the CIT(Appeals), the assesseees explained the delay in filing of the appeals, but instead of taking a lenient view, the CIT(A) dismissed the appeals of the assesseees. The Id. counsel further contended that in the interest of justice, the order of CIT(Appeals) may be set aside and matter be restored to his file.

3. On merits, he has contended that the impugned issue is squarely covered by the order of the Tribunal and the judgment of the jurisdictional High Court in favour of the assesseees.

4. The Id. DR did not dispute these facts.

5. Having carefully examined the orders of lower authorities in the light of rival submissions, we find that the CIT(Appeals) has dismissed the appeals of the assesseees on account of delay in filing of the appeals. We have carefully examined the reasons for delay in filing of the appeals before the CIT(Appeals) and being convinced with the explanation, we are of the view that the CIT(Appeals) ought to have condoned the delay in filing of the appeals. We accordingly set aside the order of CIT(Appeals) and condone the delay in filing of the appeals before the CIT(Appeals). Accordingly, we restore the matter to the file of CIT(Appeals) with a

direction to readjudicate the impugned issues on merit, after affording opportunity of being heard to the assessees.

6. In the result, the appeals of the assessees are allowed for statistical purposes.

Pronounced in the open court on this 25th day of January, 2017.

Sd/-

(INTURI RAMA RAO)
Accountant Member

Sd/-

(SUNIL KUMAR YADAV)
Judicial Member

Bangalore,
Dated, the 25th January, 2017.

/D S/

Copy to:

1. Appellants
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore.
6. Guard file

By order

Assistant Registrar,
ITAT, Bangalore.