



HC states that the lawyer's failing in filing of appeal should not be held against the assessee for VSV Scheme

Ardent Info Systems Pvt. Ltd [TS-337-HC-2023(DEL)]

New Delhi, 22nd June, 2023

The assessee in the present case had filed multiple appeal before ITAT and CIT(A). A reassessment proceeding was conducted and the order was passed against the assessee accordingly, aggrieved by this the assessee filed an appeal before CIT(A) in physical as well as virtual mode.

The assessee then filed VsV declaration which were rejected by the ITAT on the ground that the appeal was not pending at that time.

The ITAT on the basis of multiplicity of appeal, rejected the contention of the assessee and dismissed the appeals.

Hon'ble HC of Delhi held that:

The Hon'ble HC of Delhi relied on the ruling of SC in the matter of Motilal Padmpat, in which it was stated that "Though ignorance of the law is no excuse but still not everyone knows the law" and on this basis the Hon'ble HC stated that the assessee is not in fault for the mistake of his lawyer. The assessee did not, has the knowledge that only a virtual appeal is sufficient.

Thus, the Hon'ble HC of Delhi allowed the writ petition of the assessee and directs the revenue to consider the VsV declaration.

