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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Date of Decision : 23.12.2025*+ **W.P.(C) 19589/2025 & CM APPL. 81894/2025****MANJIT SINGH DHALIWAL**

.....Petitioner

Through: Ms Nikita Thapar, Advocate.

versus

**COMMISSIONER OF INCOME TAX INTERNATIONAL  
TAXATION 01 NEW DELHI**

.....Respondent

Through: Mr. Debesh Panda, SSC, Ms. Zehra Khan, JSC, Mr. Vikramaditya Singh, JSC, Ms. Nivedita, Ms. A. Shankar, Ms. Ravicha Sharma, Advocates.

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MR. JUSTICE VINOD KUMAR****V. KAMESWAR RAO , J. (ORAL)**

1. This petition through Power of Attorney (PoA) has been filed to challenge the order dated 18.09.2025 passed by the Commissioner of Income Tax (International Taxation)-01, Delhi whereby the application filed by the petitioner under Section 119(2)(b) of the Income Tax Act, 1961 (the Act) has been rejected.

2. The application of the petitioner dated 06.06.2025 under Section 119(2)(b) of the Act reads as under:-

*“From**Sh. Manjit Singh Dhaliwal**PAN: FXWPD1274H**R/o 14024, 114A Avenue, Surrey, BC, Canada*



To

*The Hon'ble Principal Commissioner of Income Tax,  
International Taxation,  
New Delhi*

*Respected Sir/Madam,*

*Subject: Condonation of Delay in filing ITR for AY 2020-21.*

*It is most respectfully submitted that I, the undersigned am a Canadian Citizen residing in the state of British Columbia from past many years. As per the provisions of the Act, I'm a non-resident person for the AY 2020-21. In this respect, a copy of my passport is being annexed as per Annexure A, proving the fact of my residential status.*

*It is pertinent to mention that prior to the AY under consideration, i.e., prior to AY 2020-21, I have not earned any income in India amounting to more than Rs.2.50 Lacs, hence, I was never assessable to Income Tax in India. Whereas, during the AY 2020-21 I had sold an immovable property for a total consideration to the tune of Rs.2,00,16,550/-, over which tax deducted by the buyers and was deposited to my credit with the GOI. Apart from this, I had also earned interest income during the relevant year. These are the only sources of my earning in India during AY 2020- 21. The particulars of such transactions/earnings are as under:*

<i>S.No.</i>	<i>Particulars</i>	<i>Amount (In INR)</i>
<i>1.</i>	<i>Sale of Immoveable property</i>	<i>2,00,16,550</i>
<i>2.</i>	<i>Interest Income from bank</i>	<i>19,246</i>

*For verification of my sources of income the copy of form 26AS is being annexed for the year as per Annexure B.*

**Whereas, I have been living outside India from many years and also I am senior citizen having no knowledge of Income Tax matters. As a senior citizen with no prior knowledge of income tax matters, I was genuinely unaware of the tax implications arising from the sale of my property, which was executed through my Power of Attorney. Mr. Kasturi Lal Batra. It was only recently, upon my travel to India, that I become cognizant of the tax deduction made by**



**the Government of India. I kindly request that this oversight be considered a bona fide error on my part.**

**Your good office has been vested with powers to admit an application like that of assessee in light of provisions of section 119(2)(b) of the Act, to avoid cases of such genuine hardship.**

Your kind attention is also invited towards the phrase "genuine hardship" which has been the moot question in such applications so made, in the case of *East India Hotels Ltd. vs. CBDT 32011R 526, (2009)223 CTR(Bom) 133*, wherein, it has been held that the said phrase must be construed liberally while granting relief

It is well settled that in matters of condonation of delay, a highly pedantic approach should be eschewed and a justice-oriented approach should be adopted and a party should not made to suffer on account of technicalities. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to prevail, without in any manner doing violence to the language of the Act. (*Refer Artist free Pvt. Ltd. vs. CBDT 369*)

At this stage, the authority is not expected to go deep into the niceties of law. Refer *Sitaldas K Motwani vs. DGIT 323 IIR 223 (2010) 228 CTR(Bom) 373, Pala Marketing Co-op Society Ltd. vs. UOI 311 IIR 177*)

In view of the above, taking into account the facts of the case, no deliberate fault of the assessee and keeping in view that there is no loss of revenue to the exchequer, it is humbly prayed before your honour

Prayer

- a. The delay in filing the ITR be condoned, and
- b. the consequent interest charged for late filing be waived.

Considering that the non-filing of my ITR was a genuine hardship, I most humbly pray to Your Honor to provide me an opportunity to file my income tax return and make compliance with the procedural provisions of the Act.

-sd-

Yours sincerely,

Sh. Manjit Singh Dhaliwal Through Adv. Surinder Singh



PAN: FXWPD1274H

Email- adv.singh90@yahoo.com”

*(Emphasis supplied)*

3. In the impugned order rejecting the application of the petitioner, it has been held from paragraph no.5.2 onwards as under:-

*“5.2. In response to the Show cause notice, the AR of the assessee has submitted health issues, travel restrictions due to COVID and unawareness of TDS deduction as the reasons for delay in filing of ITR for the concerned A.Y.*

*6. The assessee is seeking relief under sub-clause (b) of sub-section (2) of section 119 of the Act. The said section of the Act states as under:*

*“(2) Without prejudice to the generality of the foregoing power, —*

*(b) the Board may, if it considers it desirable or expedient so to do for avoiding genuine hardship in any case or class of cases, by general or special order, authorize any income-tax authority, not being the Joint Commissioner (Appeals) or a Commissioner (Appeals) to admit an application or claim for any exemption, deduction, refund or any other relief under this Act after the expiry of the period specified by or under this Act for making such application or claim and deal with the same on merits in accordance with law;”*

*6.1 It is clear from the plain reading of the Circular No.11/2024 and section 119(2)(b) of the Income Tax Act, 1961 that the condonation of delay can only be granted when the assessee makes out a case of genuine hardship which resulted in such non-filing of ITR by the due date. In this case, the assessor has not made out any such case. The assessee has claimed health issues, travel restrictions due to COVID and unawareness of TDS deduction as the reasons for delay in filing of ITR for the concerned A.Y. However, from the perusal of records available with this office, it has been observed that the reasons for delay in filing of ITR submitted by the assessee i.e. unawareness of TDS deduction is general in nature and holds no ground. As per the legal maxim ‘ignorantia legis neminem excusat’, ignorance of the law is not an excuse. The assessee has submitted undergoing multiple surgeries and being on medication for the same.*



However, it has been observed that the surgeries took place 2008 and 2011 i.e. more than a decade ago and the assessee could have asked his AR for disposing his taxation liabilities just like he did for the sale of property during the concerned A.Y. Furthermore, the assessee has submitted that he received payment in installments during F.Y. 2019-20 and 2020-21. However, as per the Act, Capital gains are taxed in the year of transfer of property and not in the year of Actual receipt of the money and thus the assessee was liable to file an ITR u/s 139 of the Act for the year in which transfer of property actually took place. The claim of assessee of travel restrictions due to COVID holds no merit as well as the assessee could have easily filed ITR online on Income Tax Portal from anywhere and thus there was no need to be physically present in the country for the same.

**6.2. In fact, in the case of M/s B. U. Bhandari Nandgude Patil Associates Vs the C.B.D.T. (WP(C) No. 6537/2017), the Hon'ble High Court of Delhi held that:**

**"It should be noted first that disallowance of any claim will normally lead to hardship. The legislature has provided time limits for certain obligations under the Act and these time limits have to be observed to be able to claim certain deductions, allowances and avoid interest and penalty This may be termed a hardship but it is hardship imposed by law in the interest of proper regulation of the Act. If these time limits were to be relaxed in a particular case, mere fact that a default occurred due to some reason is not enough to establish the claim of genuine hardship.**

**10. In determining whether genuine hardship is caused to the applicant one has to see whether the delay in filing of return was due to a reasonable cause or not.**

**....**

**17. Statutory time limits fixed have to be adhered to as it ensures timely completion of assessments. Discipline on time limits regarding filing of returns have to be complied and respected, unless compelling and good reasons are shown and established for grant of extension of time. Extension of time cannot be claimed as a vested right on mere asking and on the basis of vague assertions without proof."**

**6.3. Further, the Hon'ble Supreme Court of India in the case**



of Ranka & Others Vs. Rewa Coalfields Ltd. (AIR 1962 SC 361) held that:

"every day of delay needs to be explained with cogent evidences."

6.4. Similar view has also been taken by the Hon'ble Madras High Court in the case of Madhu Dadha Vs. ACIT (317 ITR 458) wherein it held that:

"the limitation of time limit is one of the cornerstones of proceedings under the Income Tax Act, 1961. Therefore, condonation of delay is allowable in limited cases of genuine hardship only."

6.5. In the case of Lava International Ltd. Vs. Central Board of Direct Taxes in WP (C) No. 8293 of 2024, the Hon'ble High Court of Delhi held as under:

"6. We find no justification to interfere with the ultimate view which has been taken and which stands succinctly encapsulated in para 9 of the impugned order and where the authority has spoken of the imperatives and necessity of ensuring statutory compliance with the timeframes which otherwise stand constructed under the Act, as follows:-

"9. It should be noted that the legislature has provided time limits for certain obligations under the Act and these time limits have to be observed to be able to claim those deductions, allowance and avoid interest and penalty. This cannot be termed as hardship but it is compliance requirements imposed by law in the interest of proper regulation of the Act. If these time limits were to be relaxed in a particular case on mere fact that a default occurred due to some inadvertence then there will be no sanctity of limitation prescribed by the legislature. Therefore, power of condonation u/s 119(2) can be exercised to deal with the extraordinary circumstances only which would have led to delay in statutory compliance and the same cannot be exercised routinely."

6.6 The Hon'ble High Court of Delhi has upheld the order of the CBDT that if the statutory time limitations are condoned due to mere inadvertence of negligence, then the sanctity of these statutory limitations will be lost. The power of condonation u/s 119(2) can be exercised only in extraordinary circumstances.



*However, in the present case, assessee has failed to establish any such extraordinary circumstances with cogent evidence due to which assessee could not file ITR for the period under consideration.*

*7. In light of the above, it has been observed that the assessee has failed to establish a case of genuine hardship or bring out any specific reasonable cause. Therefore, I am convinced that the application for condonation of delay filed by Sh. Manjit Singh Dhaliwal for filing of ITR for the A.Y. 2020-21 is devoid of merits and is, therefore, rejected.”*

***(Emphasis supplied)***

4. There is no cavil that the Income Tax Return (ITR) of which condonation of delay is sought is relatable to the Assessment Year (AY) 2020-21. The application for seeking condonation of delay was filed in the month of June 2025, which narrates the reasons for not filing the ITR for that AY. The respondents have rejected the application with reasons, which we have reproduced above.

5. The plea of the learned counsel for the petitioner that the petitioner being an illiterate person is not aware of the tax laws of this country, is not appealing. On the principle of *ignorantia juris non excusat*, i.e. ignorance of law is no excuse, this Court in ***Puneet Rastogi v. Principal Chief Commissioner of Income-tax (International Taxation) and another, (2023) 454 ITR 37*** has held as under:-

*“5. This Court is of the view that ignorance of law is not an excuse. Further the fact that the Assessee had filed his ITR for the assessment year 2011-12 within the time limit proves that the Assessee was aware of the process of filing the ITR. Consequently, this Court is in agreement with the finding of the Respondent No.2 that in the present case there was no genuine hardship or reasonable cause for late filing of the return.*

*6. This Court is also of the opinion that the impugned order is clear and cogent and has been passed with the approval and sanction of Principal Chief Commissioner (IT). Further, there*



*has been no violation of principles of natural justice, as the petitioner's contentions have been duly considered. Accordingly, the present writ petition is dismissed."*

6. The officer has referred to the decision in ***B.U, Bhandari Nandgude Patil Associates v. Central Board Of Direct Taxes & Ors, Neutral Citation: 2018:DHC:1738-DB***, wherein this Court has stated that statutory limits fixed have to be adhered to as it ensures timely completion of assessments and extension of time cannot be claimed as vested right on mere asking. Reference is also placed on the judgment of this Court in ***Lava International Ltd. v. Central Board of Direct Taxes, WP (C) No. 8293/2024***.

7. This Court in ***Sanjay Khurana v. Income Tax Department Ministry of Finance, 2025 SCC OnLine Del 8910*** has also held that:-

*"7. We are not impressed by the submission made by Mr. Yadav, as we find nine months is a very huge period. The AY concerned is AY 2021-22. The original ROI was filed in time on 10.02.2022. The plea of Mr. Yadav that the fact petitioner being a non-resident Indian has also resulted in delay in filing the revised ITR is not appealing as e-portal was accessible globally and by using it the petitioner himself has filed the original ROI.*

*8. We have been informed that the petitioner is the President of a Trust that runs a Hospital at Dwarka. If that be so the petitioner is presumed to have the knowledge of the provisions of the Income Tax Act, 1961 (the Act) including the knowledge to know the manner in which a right/correct return is filed. Surely it should not take nine months to realize that initial ITR has some mistakes, which requires a revised return.*

*9. We are of the view that the authority below has rightly dismissed the application under Section 119(2)(b) of the Act.*

*10. The petition being without any merit is dismissed."*





2025:DHC:11799-DB



8. We concur with the view taken by the officer in the impugned order and find no reason to interfere with the same. Being bereft of any merits, the petition is dismissed. The pending application is also dismissed.

**V. KAMESWAR RAO, J**

**VINOD KUMAR, J**

**DECEMBER 23, 2025**

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