

**IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, KOLKATA**

**BEFORE SHRI RAJESH KUMAR, AM  
AND  
SHRIPRADIP KUMAR CHOUBEY, JM**

**ITA No.2810/KOL/2025  
(Assessment Year: 2020-21)**

<b>Estate of Binoy Kumar Chandra</b> P-24, C.I.T. Road Entally, Kolkata-700014, West Bengal	<b>Vs.</b>	<b>Office of the Income-tax Officer</b> Ward-32(2), Kolkata, 10B, Middleton Row, Kolkata-700 71
<b>(Appellant)</b>		<b>(Respondent)</b>
<b>PAN No. AABAE6679B</b>		

**Assessee by** : Shri S.K. Tulsiyan &  
Ms. Lata Goyal, ARs

**Revenue by** : Shri Aditya Bikram, DR

**Date of hearing:** 04.02.2026

**Date of pronouncement:** 15.04.2026

**ORDER**

**Per Rajesh Kumar, AM:**

This is an appeal preferred by the assessee against the order of the National Faceless Appeal Centre, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 17.09.2025 for the AY 2020-21. The penalty was levied by the Id. AO u/s 270A of the Income-tax Act, 1961 (hereinafter referred to as "the Act") vide order dated 23.06.2026.

2. The only issue raised by the assessee is against the imposition of penalty of Rs.12,77,227/- by the A.O. and its confirmation by the Learned CIT(A), under section 270A(2)(b) of the Act.

3. The facts in brief are that Mr. Binoy Kumar Chandra, died on 13.06.2019 and post demise of the said person, estate of the deceased was formed, as "Estate of Binoy Kumar Chandra". Thereafter, a petition was filed before the Hon'ble Calcutta High Court on 26.08.2021, for probate of executors along with the will dated 13.06.2019. The probate of executors was granted by the Hon'ble Calcutta High Court to Shri Uday Kumar Chandra and Shri Suvro Chandra on 09.03.2022. The probate was received on 15.03.2022. By the time, the time limit for filing the Income Tax return had already expired and, therefore, the return of income could not be filed. A notice u/s 148A(b) of the Act, was issued by the A.O. on 06.02.2024, which was complied with by admitting the income appearing in Form 26AS, as income and providing reasons for not filing the return of income. Thereafter, order u/s 148A(d) of the Act, was passed on 22.03.2024, and notice u/s 148 of the Act, was issued. Finally, on the same date the assessee by filing a return of income on 10.05.2024, declared a total income of Rs.80,68,052/- as appearing in Form 26AS and also paid due taxes along with interest thereon. Thereafter, notice u/s 143(2) and 142(1) of the Act, were issued and the assessee duly complied with the said notices. The assessment was accordingly framed by the A.O., vide order dated 17.12.2024, accepting the returned income. Thereafter, a penalty order was passed u/s 270A of the Act on 23.06.2024, levying a penalty of Rs. 12,77,227/- under Section 270A of the Act. Aggrieved by the same, the assessee preferred the appeal before the Id. CIT(A).
4. In the appellate proceedings, the Id. CIT(A), after taking into account, the submissions of the assessee, dismissed the appeal of the assessee

by holding that assessee could not offer any explanation/ evidences for not filing the return of income and, therefore, penalty was rightly imposed by the A.O.

5. After hearing the rival contentions and perusing the material available on record, we find that the probate of executors was granted by the Hon'ble Calcutta High Court on 09.03.2022, and the probate was received on 15.03.2022. Nonetheless, it is undisputed that the income as declared in the return of income filed, in response to notice u/s 148 of the Act was duly appearing in the Form 26AS on which a TDS at the rate of 10 per cent was also deducted. We also note that Shri Binoy Kumar Chandra died on 13.06.2019, and, thereafter, his estate was formed and, therefore, it was not possible to file the return of income of the estate unless a probate was granted by the Hon'ble Court in favor of the executors. We have perused the provisions of section 270A(6) of the Act, which provides that unreported income for the purpose of this section shall not include the following:-

*(a) the amount of income in respect of which the assessee offers an explanation and the Assessing Officer or the Commissioner (Appeals) or the Commissioner or the Principal Commissioner, as the case may be, is satisfied that the explanation is bona fide and the assessee has disclosed all the material facts to substantiate the explanation offered;*

5.1 Therefore, considering the provision of section 270A(6) of the Act, we are of the view that the explanation of the executors is reasonable and bonafide and the reasons for not filing of return are beyond the control and capacity of the executors. Therefore, the

penalty as levied by the A.O. and confirmed by the CIT(A) cannot be sustained.

5.2 We have also perused the FAQs issued by the Income Tax Department with regard to registration as Representative Assessee/ Register to Act on behalf of another person/ authorized another person to act on behalf of self, which provides for following criteria to appoint legal heir or executor in case of the deceased or estate of the deceased.

"Question 4:

*Who can register as a Representative Assessee? What are the required documents an individual need to furnish to be a Representative Assessee?*

*The below table lists the cases where one can register as Representative Assessee along with the documents to be furnished:*

S.no.	Category of Person being represented	Who shall Register as Representative	Documents Required
2	Deceased (Legal heir)	Legal heir of the deceased person	Copy of PAN card of the deceased Copy of Death Certificate Copy of Legal heir proof as per the norms Copy of the order passed in the name of the deceased (Mandatory only if the reason for registration is ' Filing of an appeal against an order passed in the name of deceased'). Copy of Letter of Indemnity (optional)

*Copy of legal heir proof as per the norms includes the following:*

*Legal Heir Certificate issued by Court of Law/ Local Revenue Authority.*

*Surviving family member certificate issued by the Local Revenue Authority.*

*Family Pension certificate issued by Central/ State Government.*

*Register Will.*

*Letter issued by the banking or Financial Institution in their letter head, with official seal and signature mentioning the particulars of nominee or joint account holder to the account of the deceased at the time demise.*

"Question 7:

*What is category of Assessee on behalf of whom you can register yourself? What are the required documents to register?*

*The below table lists category of the Assessee on behalf of whom you can register yourself along with the documents to be furnished:*

S.no.	Category of the Assessee	Documents Required
2	Estate of the Deceased	Copy of PAN card of the deceased Copy of PAN card of the Executors Court order appointing the executor/s or Will of the deceased in which the executor particulars have been furnished or written agreement of survivors appointing the Executor Copy of Death Certificate of the deceased, if available (Non-mandatory)

5.3 Considering the above FAQs, Q4 & Q7 and the guidelines as provided by the Income Tax Department, we observe that the obligation to file return by the legal heirs or executors comes into play after the receipt of the order from the court appointing legal heir or executors. Considering the fact, we are inclined to set aside the order of CIT(A) and direct the A.O. to delete the penalty.

5.4 Before parting, we would like to mention that F.Y. 2020-21 and F.Y. 2021-22 were COVID period and, therefore, it took approximately three years to obtain probate from the Hon'ble Court after demise of Mr. Binoy Kumar Chandra on 13.06.2019. We would like to mention that Hon'ble Supreme Court has Suo moto extended the limitation from 20.03.2020 till 28.02.2022, vide order dated 10.01.2022 in Miscellaneous Application No. 21 of 2022, in Miscellaneous Application No. 665 of 2021 in Suo moto Writ Petitions(C) No. 3 of 2020. Since, the probate was granted on 09.03.2022, and was received on

15.03.2022 , the period was covered by the order of the Hon'ble Supreme Court. Therefore, set aside the order of CIT(A) and direct the A.O. to delete the penalty.

6. In the result, appeal of the assessee is allowed.

Order pronounced on 15.04.2026.

Sd/-  
(PRADIP KUMAR CHOUBEY)  
(JUDICIAL MEMBER)

Sd/-  
(RAJESH KUMAR)  
(ACCOUNTANT MEMBER)

Kolkata, Dated: 15.04.2026

*Deepak Prakash, P.S*

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT,
5. Guard file.

True Copy//

BY ORDER,

Asst. Registrar  
Income Tax Appellate Tribunal, Kolkata