Principal Commissioner of Income Tax-1 v. M/s SBS Biotech Unit-II

OMP(M)501/2025 in unregistered Income Tax Appeal

OMP(M)501/2025 in unregistered Income Tax Appeal (High Court of Himachal Pradesh, 2026-09-01) | 2026-09-01

Revenue's 31-day appeal delay condoned; appeal directed to be registered and listed for admission.

Income-tax Act,1961: sections 260A(2A)

High Court of Himachal Pradesh | 2-judge bench (Division Bench) | Justice Vivek Singh Thakur | Justice Ranjan Sharma

Assessment years: Not specified in order text

01 FACTS OF THE CASE

Revenue sought condonation of 31 days' delay in its proposed appeal against the ITAT order dated 25 February 2025 in ITA 413/Chd/2024 concerning SBS Biotech UnitII. The chronology included receipt of the order on 6 June 2025, movement of records, legal opinion, approval, preparation/signature and intervening holidays before filing on 4 November 2025.

Source: PDF pp.1–3,15

02 DISCUSSION BY THE HON'BLE COURT

The Court considered the cumulative explanation bona fide and sufficiently diligent. Section 260A(2A) permitted condonation on sufficient cause; 120 days was not an absolute unextendable bar. The Court rejected an approach requiring merits-based scrutiny of the proposed appeal merely to decide delay and distinguished the much longer delays in authorities relied on against condonation.

Source: PDF pp.9–16, para 4

03 JUDICIAL DECISION

Delay was condoned. The appeal was directed to be registered and listed for admission, with parties bearing their own costs.

Source: PDF pp.16–17, disposal

04 OUTCOME / IN WHOSE FAVOUR

Revenue obtained procedural access to the admission stage; the Tribunal order was not reversed.

Source: PDF p.17

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

The cumulative chronology established sufficient cause: The Court examined a sequence of administrative and professional steps, not merely the fact that Revenue was a government litigant. For practical use, dates of receipt, file movement, advice, approval and filing need to substantiate the explanation. This order does not excuse every departmental delay by reference to routine procedure. (PDF pp.9–11,15–16)

A condonable period is not an automatic condonation: Section 260A(2A) allowed the Court to consider sufficient cause beyond the ordinary filing period. The modest 31-day duration and the accepted explanation operated together. The distinction from cases of years-long delay is relevant, but duration alone is not the rule stated by the Court. (PDF pp.11–16)

Registration is earlier than admission on a substantial question: The operative direction was to register and list the appeal for admission. It did not admit particular questions, decide the assessment issue or set aside the Tribunal's decision. The order is therefore a procedural authority on delay, not a tax-merits precedent for the dispute underlying SBS Biotech's appeal. (PDF p.17)

Source: PDF pp.9–11,15–16

SOURCE & VERIFICATION

Original judgment PDF (20260901_HPHC010774792025.pdf)

Complete 17-page original read and every page visually reviewed; source bytes verified. Commentary is editorial analysis of this order, not current-law clearance.

Full original and all five note panels re-reviewed on 21 October 2026; unsupported supplied assertions removed.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Only provisions expressly stated in this order are indexed. Subsequent treatment and current law have not been independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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