

**IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH, MUMBAI**  
**BEFORE HON'BLE SHRI SANJAY GARG, JUDICIAL MEMBER**

**ITA No. 2259/Mum/20221**

(Assessment Year 2016-17)

Sanjona Builders  
401, Sanjona Complex,  
Hemu Kalani Marg, Chembur, Vs.  
Mumbai-400 071

The CIT (A)  
New Delhi  
Delhi-110001

**(Appellant)**

**(Respondent)**

**PAN No.AAAFS3232Q**

**Assessee by** : Shri Ajay Sekhri & Ms. Mumtax  
Beg, ARs

**Revenue by** : Shri Anil Gupta, DR

**Date of hearing:** 19.05.2022

**Date of pronouncement :** 19.05.2022

**ORDER**

01. The present appeal has been preferred by the assessee against the order dated 18/11/2021 of the National Faceless Appeal Centre [hereinafter referred to as 'CIT(A)'] passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as the 'Act').

02. The assessee in this appeal has taken the following grounds of appeal:

*"1. Ld. CIT(A) (NFAC) erred in passing appellate order without giving sufficient opportunity of being heard and hence the impugned order is bad in law.*

*2. The order passed by Ld. CIT(A) (NFAC) is bad in law and on facts.*

3. *Appellant craves leave to add or amend the foregoing Grounds of Appeal.*

4. *Ld. CIT(A) (NFAC) erred in confirming the action of Ld. AO of reducing a sum of Rs 32,35,787/- from WIP Inventory of Abhilash Project, being interest amount on unsecured loans."*

03. At the outset, the learned counsel for the assessee has submitted that certain loans shown to have been received by the assessee from certain parties were treated as bogus by the income tax authorities in the years relevant to A.Y. 2013-14 and A.Y. 2014-15. The corresponding payment of interest on such loans was also disallowed and added back. The matter relating to the genuineness of the loans transactions/ addition made by the lower authorities under section 68 of the Act is still pending before the learned Commissioner of Income-tax (Appeals) in relation to the appeals for A.Ys. 2013-14 and 2014-15. The learned counsel has submitted that the question of the allowability of interest on such loans raised in this appeal is very much dependent upon the adjudication regarding the genuineness of the loan transactions. He therefore, submits that the matter in this appeal should be remanded to the file of the learned CIT (A) to be decided along with the appeals of the assessee for A.Y. 2013-14 and 2014-15.
04. The learned Departmental Representative has not objected to the same.



05. In view of this, the impugned order of the learned CIT (A) is hereby set aside and matter is restored back to the file of the learned CIT (A) with a direction to decide the issue involved in this appeal along with appeals of the assessee for A.Y. 2013-14 and 2014-15 pending for adjudication before the learned Commissioner of Income-tax (Appeals).
06. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Order pronounced in the open court on 19.05.2022.

Sd/-/-  
(SANJAY GARG)  
(JUDICIAL MEMBER)

Mumbai, Dated: 19.05.2022

*Sudip Sarkar, Sr.PS*

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar  
Income Tax Appellate Tribunal, Mumbai