

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "D" MUMBAI**

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)
AND
SHRI SUNIL KUMAR SINGH (JUDICIAL MEMBER)**

**ITA No. 2742/MUM/2024
Assessment Year: 2013-14**

Mangesh Sawant,
A/004, Prathamesh Horizon, New
MHB Colony, Gorai, Borivali (West),
Mumbai-400091.

**PAN NO. AAGPS 0518 M
Appellant**

Vs. Dy. CIT Circle-42(1)(1)
Room No. 720, Kautilya Bhavan,
Bandra Kurla Complex, Bandra
(East),
Mumbai-400051.

Respondent

Assessee by : Mr. Poojan Mehta
Revenue by : Mrs. Sanyogita Nagpal, CIR-DR

Date of Hearing : 06/08/2024
Date of pronouncement : 27/09/2024

ORDER

PER OM PRAKASH KANT, AM

This appeal has been preferred by the assessee against order dated 14.02.2024 passed by the Ld. Commissioner of Income-tax (Appeals) – National Faceless Appeal Centre, Delhi [in short ‘the Ld. CIT(A)’] for assessment year 2013-14, raising following grounds:

1. The National Faceless Appeal Centre (hereinafter referred to as the NFAC) erred in not condoning the delay in filing the appeal.



The appellants contend that on the facts and in the circumstances of the case and in law. the action of the NFAC in not condoning the delay in filing the appeal is erroneous. inasmuch as. the NFAC has not appreciated the reasons mentioned in the Form No 35 in its right perspective.

2. The NFAC erred in framing an order ex parte.

3. The NAC erred in not adjudicating on merits the grounds of appeal filed in Form

No 35, as under -

"1. The learned Assessing Officer has erred in treating Unsecured Loans amounting to Rs. 13,05,70,402/- as unexplained cash credit us 68 of the Income Tax, 1961 without appreciating the facts of the case in the right perspective

2. The learned Assessing Officer has erred in making an addition of Rs.87,73,000/- of cash deposited as Unexplained Cash Credit without appreciating the facts of the case in the right perspective.

3. The learned Assessing Officer has erroneously made an addition of Rs.61,373/-u/s 14A r.w.s. 8D of the Income Tax Act. 1961 without appreciating the facts of the case in the right perspective.

4. The learned Assessing Officer has erred in stating that the appellant has diverted in terest bearing funds towards advancing interest free loans and thereby adding interest of Rs. 5,98,67,052/- to the total income.

5. The learned Assessing Officer has erred in disallowing interest of Rs. 29,85,044/-paid on loan taken by the appellant without appreciating the facts of the case in the right perspective."

2. At the outset, we may like to refer the defect memo issued by the Registry vide letter dated 21.05.2024, wherein two defects were pointed out, **firstly**, the appeal fee was short by Rs. 9500/- and **secondly**, the appeal was barred by 31 days. The assessee did not respond to the defect memo particularly with respect to appeal fee short by Rs.9,500/-. Despite providing opportunity of being heard on the two occasions, the assessee did not comply with the requirement of the appeal fee and therefore, we reject the appeal in



limine with liberty to the assessee to file another appeal, if so advised, after paying the requisite amount of appeal fee.

3. In the result, the appeal of the assessee is rejected.

Order pronounced in the open Court on 27/09/2024.

**Sd/-
(SUNIL KUMAR SINGH)
JUDICIAL MEMBER**

**Sd/-
(OM PRAKASH KANT)
ACCOUNTANT MEMBER**

Mumbai;
Dated: 27/09/2024
Rahul Sharma, Sr. P.S.

Copy of the Order forwarded to :

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

//True Copy//

BY ORDER,
(Assistant Registrar)
ITAT, Mumbai