

IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, MUMBAI
BEFORE SMT BEENA PILLAI, JUDICIAL MEMBER
ITA No.3207/M/2024
Assessment Year: 2017-18

Fenil Khimji Shah 6, Mishra Chawl, Film City Road, Malad East, Mumbai – 400097. PAN: ENKPS4588G	Vs.	ITO, Ward- 30(1)(3) Room No. 505, Kautilya Bhavan, C-41 to C-43, G Block, Bandra Kurla Complex, Bandra East, Mumbai- 400051.
Appellant	:	Respondent

Present for:

Assessee by
Revenue by

: Shri Prateek Jha (Virtually Present)
: Ms. Pradnya Gholap (Sr. DR)

Date of Hearing : 04.12.2024

Date of Pronouncement : 09.12.2024

O R D E R

Per Beena Pillai, JM:

Present appeal arises out of order dated 10.06.2024 passed by NFAC Delhi/ Ld. CIT(A) for assessment year 2017-18 on following grounds of appeal:

1. *“The Ld CIT(A) erred in sustaining the addition of Rs 27,84,000/- made under section 68 of the IT Act on account of unsecured loans without appreciating that the loans were taken through banking channel and were genuine.*
2. *The Ld CIT(A) erred in upholding the addition of Rs. 50,057/- being the amount of bad debt actually written off from the books of account and the addition was unjustified and bad in law.*



3. *The Ld CIT(A) erred in sustaining the disallowance to the extent of Rs.28,333/- out of ad hoc disallowance of Rs.1,13,335/- though the expenses claimed in the accounts were genuine, incurred for business purpose and ad hoc disallowance by the Ld Assessing Officer was not called for.*
4. *The above grounds of appeal are without prejudice to one another.*
5. *The appellant craves leave to furnish Additional Evidence which may be relevant to the above Grounds of Appeal in course of the appeal proceedings.*
6. *The appellant craves leave to amend or alter any of the above Grounds of Appeal or to add new Grounds of Appeal during the course of appeal proceedings.”*

Brief facts of the case are as under:

2. The Ld.AR submitted that the impugned appeal passed by the Ld. CIT(A) is an ex-parte order. It is submitted that the appeal was filed post Covid period and the assessee was issued three notices for which assessee could not respond.

3. However, it is noted that, before the Ld.AO also the assessee has not been able to furnish any details and proper verification has not been carried out by the Ld.AO. The Ld.AR filed a letter wherein it is submitted that, no documents were provided to him by the assessee in order to assess this *Tribunal* and requested that the matter may be remanded to the Ld.AO to consider it afresh.

4. Considering the submissions made by the Ld.AR in the interest of justice, I deem it proper to remit this appeal back to the Ld.AO. The assessee is directed to furnish all relevant details/evidences in support of the expenses claimed in Profit &



Loss A/c. The Ld.AO after due necessary verification is directed to consider the same in accordance with law.

Accordingly, grounds raised by the assessee stands partly allowed for statistical purposes.

In the result, the appeal filed by the assessee stands partly allowed for statistical purposes.

Order pronounced in the open court on 09-12-2024.

**Sd/-
BEENA PILLAI
JUDICIAL MEMBER**

Place: Mumbai,

Dated: 09.12.2024

Snehal C. Ayare, Stenographer/ Dragon

Copy of the order forwarded to :

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

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai