

| आयकर अपीलीय अधिकरण न्यायपीठ, मुंबई |  
IN THE INCOME TAX APPELLATE TRIBUNAL  
"G" BENCH, MUMBAI

BEFORE SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER  
&

SHRI ANIKESH BANERJEE, HON'BLE JUDICIAL MEMBER

I.T.A. No. 4600/Mum/2024

Assessment Year: 2017-18

Synergy Auto Inc. Akhtar Compound Next to Hotel Peninsula Ghatkopar, Andheri Link Rd. Sakinaka, Andheri East Mumbai - 400072 <b>[PAN: ABUFS2230H]</b>	Vs	Income Tax Officer, Mumbai
<b>अपीलार्थी/ (Appellant)</b>		<b>प्रत्यर्थी/ (Respondent)</b>

Assessee by :	Shri Sukhsagar Syal, A/R
Revenue by :	Shri Bhangapatil Pushkaraj Ramesh, Sr. D/R

सुनवाई की तारीख/Date of Hearing : 03/04/2025

घोषणा की तारीख /Date of Pronouncement: 04/04/2025

**आदेश/ORDER**

**PER NARENDRA KUMAR BILLAIYA, AM:**

This appeal by the assessee is preferred against the order dt. 01/03/2024, by NFAC, Delhi [hereinafter 'the CIT(A)'], pertaining to AY 2017-18.

2. The grievance of the assessee reads as under:-

"1. The appellant prays your kind honor to condone the delay from our part and admit the appeal.

2. On the facts and in the circumstances of the case and in law, the learned commissioner of income tax (appeals) income tax department has erred in confirming the unsecured loan taken by the appellant amounting to Rs 12,50,000/-

3. On the facts and in the circumstances of the case and in law, the learned commissioner of income tax (appeals) income tax department has erred in confirming the unsecured loan taken by the appellant amounting to Rs 15,91,200/-."

3. The appeal is time barred by limitation by 129 days. The cause for the delay was the medical emergency because of which the assessee

could not look into the income-tax matters. After considering the facts causing the delay supported by an affidavit, the delay is condoned.

4. Briefly stated the facts of the case are that the assessee electronically filed its return of income on 17/11/2018 declaring total income of Rs. 15,71,520/-. The return was selected for scrutiny assessment and accordingly statutory notices were issued and served upon the assessee. During the course of scrutiny assessment proceedings, the AO noticed that there was an increase in the unsecured loans from Rs. 1,01,93,703/- to Rs.1,31,85,927/-. The AO found that the assessee has taken loan of Rs.6,00,000/- from Radhika Infrastructure and Rs.6,50,000/- from Synergy Allied Industries. The assessee was asked to justify the unsecured loans from the aforesaid parties and on receiving no plausible reply, Rs.12,50,000/- was added as unexplained credits.

5. The assessee carried the matter before the Id. CIT(A) but without any success.

6. Before us, the Id. Counsel for the assessee stated that the assessee could furnish only part details before the Id. CIT(A) and the managing partner, because of the medical emergency relating to his mother, could not attend the proceedings and submit all the details. However, the Id. Counsel furnished the complete details before us with an application for admission of additional evidence.

6.1. Considering the facts of the case, the additional evidences are admitted.

7. Considering the nature of evidences, we deem it fit to restore the issue to the file of the AO. The assessee is directed to avail this second opportunity and furnish all the related details/documents to the

satisfaction of the AO and the AO is directed to decide the issue afresh after affording a reasonable and adequate opportunity of being heard to the assessee.

8. In the result, appeal of the assessee is allowed for statistical purposes.

**Order pronounced in the Court on 4<sup>th</sup> April, 2025 at Mumbai.**

**Sd/-**  
**(ANIKESH BANERJEE)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(NARENDRA KUMAR BILLAIYA)**  
**ACCOUNTANT MEMBER**

Mumbai, Dated 04/04/2025

*S.S.B.*

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. संबंधित आयकर आयुक्त / Concerned Pr. CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)-
5. विभागीय प्रतिनिधि , आयकर अपीलीय अधिकरण, मुंबई /DR,ITAT, Mumbai,
6. गार्ड फाई/ Guard file.

आदेशानुसार/ BY ORDER  
TRUE COPY

Assistant Registrar  
आयकर अपीलीय अधिकरण  
ITAT, Mumbai