

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

**BEFORE SHRI OM PRAKASH KANT (ACCOUNTANT MEMBER)
AND
SHRI ANIKESH BANERJEE (JUDICIAL MEMBER)**

**ITA No. 6924/MUM/2024
Assessment Year: 2018-19**

Kausar Textile Pvt. Ltd.,
Office No. 127, 1st floor, Paras
Centre, Tata Road No. 2, Opera
House,
Mumbai-400 004.
PAN NO. AADCK 9465 D
Appellant

Vs.

ITO Ward 5(2)(1),
Room No. 567, 5th floor, Aayakar
Bhavan, M.K. Road,
Mumbai-400020.

Respondent

Assessee by : Mr. Shashank Mehta, CA
Revenue by : Mr. Hemanshu Joshi, Sr. DR

Date of Hearing : 26/06/2025
Date of pronouncement : 31/07/2025

ORDER

PER OM PRAKASH KANT, AM

This appeal by the assessee is directed against order dated 06.11.2024 passed by the Ld. Commissioner of Income-tax (Appeals) – National Faceless Appeal Centre, Delhi [in short ‘the Ld. CIT(A)’] for assessment year 2018-19, raising following grounds:

- 1. Ground 1. That the assessment order u/s 143(3) r.s.w.144B of the Income Tax Act, 1961 ("the Act") dated 10.09.2021 passed by the Assessing Officer ("AO") and the*



additions/disallowances made therein are illegal, bad in law and without jurisdiction.

2. *Ground The CIT (A) NFAC has erred in law and in facts in confirming the assessment order passed by the AO assessing the total income of Rs. 7,06,71,532 as against returned income of Rs. 2,16,550/-.*
3. *Ground That the CIT(A) NFAC has erred in deciding the appeal without considering the request for adjournment filed by the appellant on 06.11.2024.*
4. *Ground National faceless Assessment Centre (NFAC), has erred in rejecting books of accounts under section 145(3) of the Income Tax without even looking at the documents on record and without appreciating that no specific defect in the books of account was pointed out by the AO which is not even part of the assessment order*
5. *Ground1. That the AO and the Commissioner of Income Tax (Appeals) ("CIT(A)") have grossly erred on facts and in law in passing the orders without giving a sufficient and reasonable opportunity to the assessee to be heard. The orders have been passed in violation of principles of natural justice*
Ground2. That, on the facts and circumstances of the case, the CIT(A) has erred in law and on facts in upholding the assessment order u/s 143(3) r.s.w. 144B of the Act and the additions/disallowances made therein.
6. *Ground3. That on the facts and circumstances of the case and law The Learned commissioner of Income tax (Appeals) has erred up holding the Addition made by the Ld. Assessing office erred in making addition on account of alleged 10% of Total Gross Turnover amounting to Rs. 7,06,71,532*
7. *Ground4. That on the facts and circumstances of the case and law The Learned commissioner of Income tax (Appeals) has erred up holding the Addition made by the Ld. Assessing office erred in making addition amounting to Rs. 70,67,15,329 which was 10% of Gross Turnover of Rs. 70,67,15,329/*
8. *Grounds. All of the above grounds of appeal are without prejudice and are mutually exclusive to each other.*

2. We have heard the rival submissions advanced by the learned counsel for the parties and have carefully perused the material placed on record.

2.1 With reference to Grounds No. 3 and 5 of the appeal, it is submitted by the learned counsel appearing on behalf of the



assessee that the first notice for hearing was issued by the learned CIT(A) on 14.03.2024. Thereafter, three further notices were issued within a short span between 07.09.2024 and 15.10.2024, covering a period of approximately one month. It has further been brought to our notice that in response to the last notice dated 15.10.2024, the assessee sought an adjournment by filing a request on 06.11.2024. However, the CIT(A) proceeded to pass the impugned order on the very same day, without granting the adjournment sought.

2.2 Before us, learned counsel for the assessee has submitted that the assessee is prepared and willing to file all relevant documents in support of the grounds raised in appeal and seeks an opportunity to present the same before the CIT(A).

2.3 Having regard to the facts and circumstances of the case, and in the interest of substantial justice, we are of the considered opinion that the assessee ought to be afforded a further opportunity to prosecute its appeal effectively. The willingness expressed by the assessee to participate in the appellate proceedings and the short interval between the notices lend support to the plea for a fresh hearing.

2.4 Accordingly, the impugned order passed by the learned CIT(A) is set aside, and the matter is restored to his file for disposal afresh in accordance with law, after affording adequate opportunity of



hearing to the assessee. Grounds No. 3 and 5 of the appeal are thus allowed for statistical purposes.

2.5 In view of the aforesaid direction, the remaining grounds raised in the appeal, being on merits, do not warrant adjudication at this stage.

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

Order pronounced in the open Court on 31/07/2025.

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

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

Mumbai;
Dated: 31/07/2025
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