

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI "SMC" BENCH:: MUMBAI**

BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER

**ITA Nos. 5088 & 5089/MUM/2025
(Assessment Years: 2020-21 & 2022-23)**

Manan Trading Company Pvt. Ltd., 325, Amrit Diamond House, Tata Road No.1, Opera House, Girgaon S.O. Mumbai. PAN: AADCM 5896 J	Vs.	DCIT, Central Circle-1(1), Mumbai.
(Appellant)		(Respondent)

Present for:

Assessee by : Shri Prateek Jain, Ld. CA
Revenue by : Shri Amit Sanjay Gurav, Ld. Sr.D.R.

Date of Hearing : 06.10.2025
Date of Pronouncement : 06.10.2025

O R D E R

These appeals have been preferred by the Assessee against the separate orders even dated 19/06/2025 impugned herein passed by the Commissioner of Income Tax (Appeals)-47, Mumbai (in short, 'Ld. Commissioner') u/sec. 250 of the Income Tax Act, 1961 (in short, 'Act') for the A.Ys. 2020-21 & 2022-23 respectively.

2. Since, identical facts and issues are involved in both the appeals and therefore the same were heard together and being disposed of by way of this composite order, taking into consideration the facts of ITA No. 5088/MUM/2025, as a lead case.

3. Admittedly, the Assessee despite of affording various opportunities by the Ld. Commissioner, except submitting partial response to the notice dated 19/12/2024, eventually made no effective compliance and/or submitted no substantive submission and documents. Therefore, in the constrained circumstances, the Ld. Commissioner affirmed the decision of the Assessing Officer (AO) in making the addition of Rs. 8,00,595/- being 1% of the total business turnover/sales of Rs.8,00,595/- considering as accommodation entry, vide assessment order, dated 24/03/2022 u/sec. 143(3) of the Act and therefore, the Assessee is not entitled for any leniency.

4. However coming to another aspect of the case it is observed the Ld. Commissioner in absence of relevant submissions and/or documents, was constrained to affirm the decision of the AO and therefore could not decide the issue involved in its right perspective and proper manner, thus, considering the peculiar facts and circumstances for just and proper decision of the case and substantial justice, this Court is inclined to remand the instant case to the file of Ld. Commissioner for decision afresh, however, subject to deposit of Rs. 5,500/- (Rupees Five Thousand Five Hundred Only) with the Revenue Department under the 'other head' within 15 days from the date of receipt of this order. This Court clarify that in case of subsequent default, the Assessee shall not be entitled for any leniency. Thus, the case is, accordingly, remanded to the Ld. Commissioner for decision afresh, by allowing appeal of the Assessee for statistical purposes.

5. In the light of the above decision in ITA No. 5088/MUM/2025, the appeal i.e. ITA No. 5089/MUM/ 2025 having involved identical facts and issues, is also stands allowed for statistical purposes in the same terms.

6. In the result, both the Assessee's appeals are allowed for statistical purposes, in the same terms.

Order pronounced in the open court on 06.10.2025.

Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER

vr/-

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai.
The DR, ITAT, Mumbai 'B' Bench

//True Copy//

By Order

Dy./Assistant Registrar
ITAT, Mumbai.