



IN THE INCOME TAX APPELLATE TRIBUNAL, PANAJI BENCH, GOA

BEFORE HON'BLE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

AND

SHRI G. D. PADMAHSHALI, ACCOUNTANT MEMBER

ITA No: 313/PAN/2025

Assessment Year : 2016-17

Sonali Mahendra Naik Gaunekar

Shivoham, Ribeiro Enclave,

Behind ITI, Altinho, Panaji, Goa.

PAN : AEXPG6959D

..... *Appellant*

V/s

The Income Tax Officer,

Ward-1(1), Panaji, Goa

..... *Respondent*

Appearances

Assessee by: Mr Rahul Sarda ['Ld. AR']

Revenue by: Mr Renga Rajan ['Ld. DR']

Date of conclusive Hearing: 27/10/2025

Date of Pronouncement : 28/10/2025

ORDER

PER G. D. PADMAHSHALI;

This appeal is instituted u/s 253(1) of the Income-tax Act, 1961 ['the Act'] by the assessee which challenges DIN & Order No 1081035680(1) dt. 23/09/2025 passed by National Faceless Appeal Centre, Delhi ['Ld. CIT(A)/NFAC'] u/s 250 of the Act which in turn originated from order of assessment dt. 27/03/2025 passed u/s 147 r.w.s. 263 of the Act by Income Tax Officer, Ward 1(1), Panaji, Goa ['Ld. AO'].



2. We note that, the assessee individual filed her return of income on 04/08/2016 declaring income of ₹5,75,17,590/-. The case of the assessee, after recording reasons and obtaining approval from competent authority by notice dt. 19/02/2020 u/s 148 of the Act, was reopened for re-assessing difference of capital gain arising out of deviation in sale consideration recorded/shown *vis-à-vis* stamp duty valuation adopted in relation sale of immovable property. Invoking provisions of section 50C of the Act the Ld. AO brought difference of capital gain of ₹2,93,33,256/- to tax as undisclosed income vide an assessment order dt. 29/09/2021 framed u/s 147 of the Act. Subsequently, the Ld. PCIT invoked the provisions of section 263 and by order dt. 19/04/2024 set-aside the former order for fresh assessment for Ld. AO's failure to conduct inquiry.



3. Pursuant to revisionary direction of Ld. PCIT, the Ld. AO conducted the inquiries and by considering the DVO's valuation report deleted the excess addition arising on such score and reframed the assessment u/s 147 r.w.s. 263 of the Act whereby total income of the assessee assessed at ₹9,81,35,791/-.

4. Aggrieved by aforestated assessment the assessee filed an appeal before Ld. NFAC on 23/04/2025, which came to be dismissed in absence of documentary evidence. Aggrieved thereby the assessee came in present appeal on following grounds;

Not dealing with the submissions of the Appellant

1. The NFAC erred in not dealing with the submissions of the Appellant and erred in observing that the Appellant "only furnished letter/ application with subject request for treating the applicant as not



in default" despite the fact that the Appellant had filed detailed submissions with supporting material evidence on the merits of the appeal. Hence, the impugned order is violative of principles of natural justice and the addition sustained by the NFAC is liable to be deleted.

2. The NFAC erred in confirming the addition/disallowance of indexed cost of acquisition made by the AO on the ground of alleged failure to furnish requisite documentary evidences either before the AO or during the appeal proceedings despite the fact that the same was duly provided.

Failure to adhere to mandatory procedure for reopening of assessment

3. The Appellant submits that the above grounds of appeal are in addition to, in the alternative and without prejudice to each other as well as without prejudice to the contentions of the Appellant that the assessment order dated 24.09.2021 passed u/s 147 r/w 143(3) is without jurisdiction & bad in law and the proceedings u/s 263 initiated by the CIT are also bad



in law. These grounds have been raised by the Appellant in the appropriate appeals which are pending. Therefore, nothing contained hereinabove ought to be deemed as a concession on behalf of the Appellant on the abovementioned pending challenges of the Appellant. The Appellant craves leave to add, amend, alter or delete any of the above grounds of appeal.

5. The present Ground No. 3 of the appeal not only challenges validity of revisionary order passed u/s 263 of the Act but also agitates sufficiency of procedure followed in framing reassessment order dt 24/09/2021 passed u/s 147 r.w.s. 143(3) of the Act which was set-aside u/s 263 of the Act. Whereas Ground No 1 & 2 alleges violation of principle of natural justice and hence seeks to turn down the impugned order as irregular. Since the ground no 3 is not within bounds of 254(1) of the Act, the rival parties were allowed to argue on ground on 1 & 2.



6. Accordingly, we have heard rival party's submissions on Ground No. 1 & 2 which *inter-alia* relates non-consideration of written submissions tendered by the appellant assessee in the course of impugned proceedings and thus on violation of principle of natural justice. Subject to rule 18 of ITAT-Rules, 1963 we have also perused material placed on record and considered facts in the light of settled position of law, which are forewarned to parties.

7. At the outset we note that, against the order of assessment passed u/s 147 r.w.s. 263 of the Act, the appellant filed first appeal before the Ld. NFAC wherein the appellant raised as many as twelve grounds on merits and thirteenth ground in general. The twelve grounds on merits since directed against solitary addition, therefore they were dealt in aggregate by the impugned order.



8. A cursory look into impugned adjudication palpably reveals us that, these twelve grounds were adjudicated together and dismissed blanketly without assigning any reasons in support thereof. We also note that, while arriving to such conclusion in relation to dismissing twelve meritorious grounds fusely the Ld. NFAC did neither appreciate the facts of the case independently nor could lay any reasoning in support conclusion so drawn by it. Further from para 4 & 5 of the impugned order (placed on pg 7 & 8) we also note that, the Ld. NFAC came to dismiss all grounds and in turn the appeal in toto on the sole premise that in the impugned proceedings the appellant assessee failed to furnish requisite documentary evidences in support of her claim for cost of acquisition, indexed cost of acquisition, cost of construction & improved cost etc. incurred in relation to impugned transaction.



9. *Per contra*, from the copies of acknowledgements of written submissions filed on 18/09/2025 and screenshots of such submission as placed at pg 607 to 616 of paper book 2 dt. 23/10/2025 it has been indisputably established by the appellant that, in the course of impugned first appellate proceeding before the Ld. NFAC the appellant assessee did furnish requisite documentary evidences containing voluminous data/information in support of her claim and was submitted much before the passing of impugned order. The Ld. DR could hardly dismantle the claim of the appellant, rather has candidly solidified the facts claimed by the appellant.

10. Admittedly former three written submissions along-with voluminous supporting documents were filed by the appellant assessee online 18/09/2025, whereas the impugned order was passed on



23/09/2025. Though the former written submissions were made available in the course of impugned proceedings, but it was just in time before passing of impugned order, therefore went unattended by the Ld. NFAC while disposing of the appeal. Nevertheless, on the records the facts remains unaltered that, the impugned order was passed without taking cognizance of key written submissions and documentary evidences filed by the assessee.

11. Alike issue passing an order with consideration of assessee's key submission arose in '*Grasim Industries Ltd. Vs CCIT*' [2024, 302 Taxman 194 (Bom)], wherein their Hon'ble lordship have held that, any adverse order passed by the Revenue Authorities disregarding assessee's primary or key submissions would be violative of natural justice therefore deserves to be set-aside for *de-novo* consideration.



12. It shall be apt to also state here that, similarly the Hon'ble Jurisdictional High Court further in the case of '*Vijay S Kulkarni Vs ITAT, Pune*' [2025, 171 Taxmann.com 696] after reiterating the core principle laid by Hon'ble Apex Court in '*Delhi Transport Corp. Vs DTC Mazdoor Union*' [1999, AIR 564 SC] and '*CIT Vs Chenniyappa Mudiliar*' [1969, 1 SCC 591] have categorically held that, adjudication by appellate authorities without due cognizance to material *vis-à-vis* submission made therebefore would be violative of basic principle of natural justice and devoid of representation, therefore renders irregular.

13. Now coming to dismissal of all grounds together blanketly without appreciating facts independently, we are heedful to state that, the restriction placed by clause (a) of s/s (1) of section 251 of the Act obligates the Ld. NFAC to adjudicate dispute/issue either by



confirming or annulling an addition or reducing or enhancing such addition without an absolute right to remand. While exercising such jurisdiction u/s 251(1)(a) of the Act, the Ld. NFAC is required to; (1) *state point of determination*, (2) *its decision thereon* and (3) *clear reasons therefore* in terms of section 250(6) of the Act. Thus any order to be regular & legal, it must comply with former threefold dictates, and conversely non-adherence thereto would cease the order to be a valid & lawful order. In nutshell if any adjudication *vis-a-via* order suffers from mandatory compliance of s/s (6) (supra), then such adjudication/order *in limine* deserves to be set-aside.

14. It is a trite law as laid down by Hon'ble Supreme Court in *Chandra Kishore Jha Vs Mahavir Prasad* [1999, 8 SCC 266 (SC)], that '*if a statute provides for a thing to be done in a particular manner, then it has to*



be done in that manner and in no other manner'. In view of the Ld. co-ordinate bench decision in '*Computer Science Corp. India (P) Ltd. Vs DCIT*' [2024, 163 taxmann.com 693] order dismissing all ground based on single issue by disobeying the mandates of s/s (6) of section 250 of the Act ceases to be lawful adjudication, therefore renders irregular.

15. In the present case, since all grounds of merits were adjudicated & dismissed together by the Ld. NFAC were much less adhered to the former stipulation of s/s (6) (supra), therefore such adjudication has suffered from the compliance and thus rendered itself irregular, for the reasons said adjudication is also hereby set aside.

16. In view of the aforestated findings and settled position of law, placing reliance on the former judicial



precedents (supra) on both the score we deem it fit to set-aside the impugned order for its remittance to the file of Ld. NFAC at the stage of its institution with a direction to deal therewith a fresh accordance with law in the light of material, evidences and submission already placed on record by the appellant assessee on 18/09/2025 and pass a speaking order in consonance with s/s (6) of section 250 of the Act. Ordered Accordingly. The Ground No 1 & 2 thus stands partly allowed for statistical purposes.

17. In result the appeal of the assessee is partly allowed for statistical purpose.

In terms of rule 34 of ITAT Rules, 1963 the order pronounced in the open court on date mentioned hereinbefore.

**-S/d-
PAVAN KUMAR GADALE
JUDICIAL MEMBER**

**-S/d-
G. D. PADMAHALI
ACCOUNTANT MEMBER**

Panaji/Dt: 28th October 2025.

Copy of the Order forwarded to :

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|-------------------|--------------------------------|------------------------------|
| 1. The Appellant. | 2. The Respondent. | 3. The CIT(A)/NFAC Concerned |
| 4. PCIT Concerned | 5. DR, ITAT, Panaji Bench, Goa | 6. Guard File |

By Order,
Sr. Private Secretary / AR ITAT, Panaji.