

IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, KOCHI

**BEFORESHRI INTURI RAMA RAO, ACCOUNTANT MEMBER AND  
SHRI ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A No.606/Coch/2025  
(Assessment Year: 2015-16)**

|   |           |   |
|---|-----------|---|
| <b>Viswanathan Krishnakumar</b><br>X/190,Krishnalaya Library<br>Road, Aluva, Kochi-683 101<br><b>PAN : ALVPK9461H</b> | <b>vs</b> | <b>Income-tax Officer</b><br>K A P Complex, Railway Station<br>Road, Aluva, Kochi |
| <b>APPLICANT</b>  |           | <b>RESPONDENT</b>   |

Assessee by : Shri Anil Kumar P J, Adv  
Respondent by : Smt. Leena Lal. Snr AR  
  
Date of hearing : 29/10/2025  
Date of pronouncement : 24/11/2025

**ORDER**

**Per: Anikesh Banerjee (JM):**

The instant appeal of the assessee filed against the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter called 'Ld.CIT(A)'] passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act') for assessment year 2015-16, date of order 26/06/2025. The impugned order emanated from the order of the National Faceless Assessment Centre (in short, 'Ld. AO') passed under section 147 r.w.s. 144B of the Act, date of order 27/03/2022.

2. The brief facts of the case are that the Ld.AO had information that the assessee had purchased immovable property of Rs.16,88,000/- and received commission of Rs.91,02,400/- during the A.Y. 2015-16. However, the assessee had not filed any return of income for A.Y. 2016-17. Accordingly, notice u/s 148 was issued on 30/03/2021 after taking necessary approval from the competent authority. In response to the said notice, the assessee has filed his return of income on 18/11/2021 declaring total income of Rs.35,61,420/-. The assessment order was passed u/s 147 r.w.s. 144B of the Act, dated 27/03/2022 assessing the total income at Rs.64,88,400/- wherein the Ld.AO made the following additions:-

|    |   |                |
|----|---|----------------|
| 1. | Disallowance of deduction u/s 24(b)                                 | Rs. 1,70,000/- |
| 2. | Disallowance of deduction u/s 80C                                   | Rs. 1,11,276/- |
| 3. | Disallowance of business promotion expenses                         | Rs.2,25,123/-  |
| 4. | Disallowance of 33% of vehicle expenses and Depreciation on vehicle | Rs. 7,32,411/- |
| 5. | Short Term Capital gains  | Rs.16,88,000/- |

The aggrieved assessee filed an appeal before the Ld. CIT(A). The Ld.CIT(A) partly allowed the appeal filed by the assessee. Being aggrieved, the assessee has filed the appeal before the Tribunal.

3. The Ld.AR in argument stated that related to this appeal, the assessee is ready to file the additional evidence before the Bench. The relevant part of the petition for admission of additional evidence u/r 26 of the Income-tax (Appellate Tribunal) Rules, 1963, which is extracted below:-

*"PETITION FOR ADMISSION OF ADDITIONAL EVIDENCE*

*(Under Rule 26 of the Income Tax (Appellate Tribunal) Rules, 1963)*

*The Appellant most respectfully submits as under:*

*The present appeal is filed against the order dated 26.06.2025 bearing DIN ITBA/NFAC/S/250/2025-26/1077832481(1) passed by the [CIT(A)] for the Assessment Year 2015-16. During the course of appellate proceedings before the lower authorities, the appellant could not furnish the following documentary evidences due to reasons beyond its control:*

*A. True Copy of the Commission Agreement.*

*B: Expenses ledger copies along with Expense Vouchers*

*C: Documents related to claim u/s.54F*

*The sand documents are now annexed herewith and marked as Annexure-1 to*

*7. These documents are relevant and essential for adjudication of the issues involved in the present appeal. The non-production of the above evidences before the lower authority was neither willful nor deliberate but due to technical portal issues. It is submitted that in the interest of justice, the Hon'ble Tribunal may kindly admit these additional evidences in exercise of powers under Rule 26 of the Income Tax (Appellate Tribunal) Rules, 1963. Reliance is placed on the principle that substantive justice should prevail over technicalities, and relevant material necessary for proper adjudication ought not to be excluded merely on procedural grounds.*

*In the light of the facts and circumstances stated above, it is most humbly prayed that this Honorable Tribunal may be pleased to admit and take on record the additional evidences annexed herewith and pass such other order(s) as this Honorable Tribunal may deem fit in the interest of justice and equity."*

4. The Ld.DR has argued and not made any strong objection against the admission of additional evidence.

5. We have considered the rival submissions and carefully perused the material available on record. The additions in dispute pertain to various heads, namely: deduction under section 24(b); disallowance under section 80C; disallowance of business promotion expenses; disallowance of 33% of vehicle

expenses along with depreciation on the vehicle; and addition on account of short-term capital gains. We have also examined the additional evidence furnished by the assessee, while respectfully relying on the judgment of the Hon'ble **Supreme Court** in **National Thermal Power Co. Ltd. [1998] 97 Taxman 358 / 229 ITR 383**. We find that the said documents are crucial and go to the root of the matter, warranting proper verification. However, at this appellate stage, it is not feasible for us to undertake a complete verification of all the documents submitted as additional evidence. Accordingly, the matter is remitted to the file of the Ld. AO. The assessee is directed to place the additional evidence before the Assessing Officer, who shall examine the same and decide all issues afresh in accordance with law. Needless to state, the assessee shall be afforded a reasonable opportunity of being heard before the assessment is completed afresh.

6. In the result, the appeal of the assessee bearing **ITA No.606/Coch/2025** is allowed for statistical purpose.

Order pronounced in the open court on 24 /11/2025.

Sd/-  
(INTURI RAMA RAO)  
ACCOUNTANT MEMBER

Sd/-  
(ANIKESH BANERJEE)  
JUDICIAL MEMBER

Kochi ,दिनांक/Dated: 24/11/2025

Pavanan

**Copy of the Order forwarded to:**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकरआयुक्त CIT
4. विभागीयप्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT, Kochi
5. गार्डफाइल/Guard file.

(Asstt. Registrar), **ITAT, KOCHI**