

IN THE INCOME TAX APPELLATE TRIBUNAL, 'J (SMC)'
BENCH MUMBAI

BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
SHRI MAKARAND VASANT MAHADEOKAR,
ACCOUNTANT MEMBER

ITA No.8372/Mum/2025
(Assessment Year :2016-17)

| | | |
|--|-----|--|
| Chandulal Navjibhai Patel EA PMC Market Phase II Sanpada, S.O. New Mumbai Thane-400 705 | Vs. | Income Tax Officer, Ward 28(1)(1), Mumbai |
| PAN/GIR No.AGGPP6475J | | |
| (Appellant) | .. | (Respondent) |

| | |
|------------------------------|-------------------------|
| Assessee by | None |
| Revenue by | Shri Aditya Rai, Sr. DR |
| Date of Hearing | 08/01/2026 |
| Date of Pronouncement | 12/01/2026 |

आदेश / O R D E R

PER AMIT SHUKLA (J.M):

The present appeal has been preferred by the assessee assailing the order dated 25.10.2025 passed by the National Faceless Appeal Centre, Delhi, arising out of the assessment framed under section 147 of the Income Tax Act, 1961 for the assessment year 2016-17.

2. Through the grounds of appeal, the assessee has raised multiple grievances. The principal challenges are threefold: firstly, to the ex parte nature of the appellate order passed by the learned Commissioner of Income Tax (Appeals); secondly, to the very assumption of jurisdiction under section 147 of the Act for reopening the completed assessment; and lastly, to the addition of Rs. 30,30,500/- made by the Assessing Officer by invoking the provisions of section 69C of the Act.
3. At the time of hearing before us, it has been stated on behalf of the assessee that the notices issued by the learned CIT(A) could not be effectively received, as a result of which the assessee remained unrepresented and was deprived of an opportunity to place its case on merits. It was thus submitted that the appellate order came to be passed without affording due and meaningful opportunity of hearing, thereby resulting in serious prejudice to the assessee.
4. It has been specifically pleaded that the assessee is keen to pursue the appellate proceedings diligently and undertakes to fully cooperate before the learned CIT(A) if one final opportunity is granted. In this backdrop, a prayer has been made that the entire matter may be restored to the file of the learned CIT(A) for adjudication afresh in accordance with law, after granting due and reasonable opportunity of being heard to the assessee.

5. We have carefully considered the submissions made and have perused the material available on record. It is well settled that appellate proceedings are meant to advance the cause of substantive justice and not to be reduced to a mere formality. The right of appeal carries with it a concomitant right of effective hearing, and any adjudication made in violation of the principles of natural justice cannot be sustained.

6. In the present case, considering the specific plea of non-receipt of notices and the fact that the appeal before the learned CIT(A) has been disposed of *ex parte*, we are of the considered view that the interests of justice would be best served if the matter is restored to the file of the learned CIT(A). This would enable a proper and comprehensive adjudication on all issues raised by the assessee, including the challenge to reopening as well as the addition made under section 69C of the Act.

7. Accordingly, without expressing any opinion on the merits of the issues involved, we set aside the impugned appellate order and restore the entire matter to the file of the learned CIT(A), who shall decide the appeal afresh in accordance with law, after affording adequate and effective opportunity of hearing to the assessee. The assessee is also directed to extend full cooperation and to diligently pursue the appellate proceedings.

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

Order pronounced on 12th January, 2026.

Sd/-

**(MAKARAND VASANT
MAHADEOKAR)**

ACCOUNTANT MEMBER

Mumbai; Dated 12/01/2026
KARUNA, sr.ps

Sd/-

(AMIT SHUKLA)

JUDICIAL MEMBER

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,

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