

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI "D" BENCH : MUMBAI

BEFORE SHRI VIKRAM SINGH YADAV, ACCOUNTANT MEMBER  
AND  
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER

ITA No. 7047/Mum/2025  
Assessment Year : 2009-10

Ramkumar Venugopal Investments Pvt. Ltd., 2 <sup>nd</sup> Floor, Masjid Manore, 16 Homi Modi Street, Fort, Mumbai. PAN : AACCR0534P	vs.	DCIT, Central Circle-8(1), Room No.656, 6 <sup>th</sup> Floor, Aayakar Bhavan, Maharshi Karve Road, Mumbai-400020.
(Appellant)		(Respondent)

For Assessee :	Shri Himanshu Gandhi and Shri Atik Jain
For Revenue :	Shri Annavarani Kosuri, Sr.DR

Date of Hearing :	08-01-2026
Date of Pronouncement :	12-01-2026

**ORDER**

**PER VIKRAM SINGH YADAV, A.M :**

This is an appeal filed by the assessee against the order of the Learned Commissioner of Income Tax (Appeals)-50, Mumbai ['Ld.CIT(A)'], dated 28-06-2025, pertaining to Assessment Year (AY) 2009-10.

2. At the outset, it is noted that there is a delay of 60 days in filing the appeal as pointed out by the Registry. After hearing both the parties and perusing the affidavit placed on record, we find that there was reasonable cause for the delay in filing the present appeal and hence, the delay is hereby condoned and appeal is admitted for adjudication.

3. Briefly stated, facts of the case are that the assessment was completed u/s. 143(3) r.w.s. 147 of the Act vide order dt. 20-12-2016, wherein the AO has brought to tax a sum of Rs. 66,43,847/- on account of bogus losses claimed by the assessee on account of client code modification. The assessee thereafter carried the matter in appeal before the Ld.CIT(A), who has since dismissed the appeal on account of non-prosecution.

4. During the course of hearing, the Ld.AR submitted that due to death of the Director of the assessee-company, the matter could not be represented before the Ld.CIT(A) and it was submitted that the assessee be allowed one more opportunity to file the necessary submissions and the matter may accordingly be set aside to the file of the Ld.CIT(A).

5. The Ld. DR has been heard who has not raised any specific objection where the matter is set-aside to the file of the Ld.CIT(A).

6. After hearing both the parties and considering the material available on record and the limited prayer so made by the Ld.AR on behalf of the assessee, the matter is set aside to the file of the Ld.CIT(A) to decide the same afresh, after providing reasonable opportunity to the assessee.

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

Order pronounced in the open court on 12-01-2026

Sd/-  
[RAHUL CHAUDHARY]  
JUDICIAL MEMBER

Sd/-  
[VIKRAM SINGH YADAV]  
ACCOUNTANT MEMBER

Mumbai, Dated: 12-01-2026

TNMM

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT concerned
- 4) The D.R, ITAT, Mumbai
- 5) Guard file

By Order

Dy./Asst. Registrar  
I.T.A.T, Mumbai