

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A', NEW DELHI**

**BEFORE SHRI MAHAVIR SINGH, HON'BLE VICE-PRESIDENT
&
SMT. RENU JAUHRI, HON'BLE ACCOUNTANT MEMBER**

ITA No. 6275/DEL/2025; Assessment Year: 2012-13

Shri Mukul Kumar Yadav 1503, Tower-3, Unitech Escapre Sector 50 Nirwana Country Gurgaon-122101 Haryana	Vs	CIT(A) Delhi
(APPELLANT)		(RESPONDENT)
PAN No. ACGPY5244A		

Assessee by : None

Department/Revenue by : Shri Ajay Kumar Arora, Sr. DR

Date of Hearing: 12.01.2026	Date of Pronouncement: 21.01.2026
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ORDER

PER RENU JAUHRI :

This appeal is filed by the assessee against the order of the Commissioner of Income Tax (Appeals)/ National Faceless Appeal Centre, New Delhi [for short, Ld. CIT (A)/NFAC], u/s 250 of the Income Tax Act (for short, the "Act"), order dated 16.01.2025 in the Appeal No. CIT(A), Gurgaon- 1/11697/2019-20.

2. The assessee has raised following grounds of Appeal:

"1. The Learned Commissioner of Income Tax (Appeals) [CIT(A)] erred in dismissing the appeal without granting the

appellant a proper and fair opportunity of being heard, as mandated under Section 250(1) of the Income Tax Act, 1961. Despite multiple requests for adjournments due to genuine reasons, the CIT(A) proceeded to uphold the additions without adequately considering the submissions or providing sufficient time for the appellant to furnish necessary evidence.

2. *The Assessing Officer (AO) and the CIT(A) erred in treating the loans amounting to Rs. 1,20,90,000/- as unexplained under Section 68 of the Income Tax Act, 1961, despite the appellant providing confirmations, bank statements, and other relevant documents to prove the identity, creditworthiness, and genuineness of the transactions.*
3. *The AO incorrectly added Rs. 6,25,000/- received as a nonrefundable security deposit from M/s Tulip Infratech Pvt. Ltd. under "Income from Other Sources" (Section 56 of the Income Tax Act, 1961). The said amount is capital in nature, being a security deposit related to a collaboration agreement, and does not fall within the ambit of taxable income.*
4. *Both the AO and the CIT(A) failed to consider the detailed explanations, confirmations, and supporting evidence furnished by the appellant, thereby violating the principles of natural justice.*
5. *The AO erred in initiating penalty proceedings under Section 271(1)(c) of the Income Tax Act, 1961, without establishing deliberate concealment or furnishing of inaccurate particulars of income by the appellant; ”*

3. Brief facts are that the assessee filed his return for A.Y. 2012-13 on 31.03.2014 declaring an income of Rs. 4,31,200/- which was processed u/s 143(1) of the Act. In view of the information available with the Ld. AO regarding deposits in assessee's bank account, a notice u/s 148 was issued to the assessee on 29.03.2019.

3.1 Assessment was completed after making an addition of Rs. 1,20,90,000/- on account of unexplained loans and another addition of Rs. 6,25,000/- of sum

received from M/s Tulip Infratech Pvt. Ltd. on account of collaboration agreement. Aggrieved, the assessee preferred an appeal before Ld. CIT(A). As no compliance was made to the multiple notices issued during the appellate proceedings, Ld. CIT(A) dismissed the assessee's appeal vide order dated 16.01.2025. Aggrieved, the assessee has filed the present appeal before the Tribunal.

4. None has appeared on behalf of the assessee before us. We have heard the Ld. DR and perused the material available on record. We note that the assessee had made two requests for adjournment before Ld. CIT(A) which were not allowed. In the interest of justice, we deem it appropriate to restore the matter to Ld. CIT(A) for fresh adjudication on merits after giving the assessee reasonable opportunity of being heard to the assessee. The assessee is also directed to be vigilant and make requisite compliance before Ld. CIT(A) to enable him to decide the appeal on merits.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on 21 -01-2026.

Sd/-
(MAHAVIR SINGH)
VICE PRESIDENT

Sd/-
(RENU JAUHRI)
ACCOUNTANT MEMBER

Dated: 21.01.2026

Pooja Mittal

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi