

**आयकर अपीलीय अधिकरण न्याय पीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“B” BENCH, MUMBAI**

**BEFORE SHRI PAWAN SINGH, JM &**  
**SHRI ARUN KHODPIA, AM**

**I.T.A. No. 7316/Mum/2025**  
(Assessment Year: 2018-19)

<b>M/s Neeta Developer,</b> 24, Dheeraj, Heritage, 3 <sup>rd</sup> Floor, S. V. Road, Opp. Milan Sub Way, Santacruz(West), Mumbai - 400054 <b>PAN: AAOFM0017F</b>	Vs.	<b>ITO/ NFAC,</b> Delhi.
<b>Assessee -अपीलार्थी / Appellant</b>	:	<b>Revenue - प्रत्यर्थी / Respondent</b>

**Assessee by** : Shri Haridas Bhat, AR  
**Revenue by** : Shri Leyaqaat Ali Aafaqui, Sr. DR  
**Date of Hearing** : 06.01.2026  
**Date of Pronouncement** : 19.01.2026

**ORDER**

**Per Arun Khodpia, AM:**

The captioned appeal is preferred by assessee to assail the order of Commissioner of Income Tax (Appeals) / National Faceless Appeal Centre (NFAC) (for short “The Ld. CIT(A)”), dated 19.09.2025, for the Assessment Year (AY) 2018-19, arises from assessment order passed u/s 143(3) r.ws. 144B of Income Tax Act, 1961 (for short “The Act”), dated 24/06/2021, by Additional/Joint/Deputy/Assistant Commissioner of Income Tax/ NFAC, Delhi.

2. The grounds of appeal raised by the assessee are as under:

**GROUND I**

a) *On the facts and circumstances of the case, and in Law, The CIT(A) erred in confirming the additions aggregating to Rs. 5,84,12,054 made by the AO as unexplained Income u/s 69A of the Income Tax Act, 1961 (the Act).*

b) *On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

i) *The learned AO made a gross error of passing final order u/s 143(3) r. w. s. 1448 without following the laid down procedure as per the Act i. e. passing a draft assessment order prior to passing of the final order. Thus, the order should be annulled.*

(ii) *In respect to the additions totaling to Rs. 5,84,12,054 the assessment order was passed in contravention of Section 143(3) i. e. without intimating the assessee of the proposed additions as required by Section 143(3). Thus, the order should be annulled.*

(ii) *The assessment order was passed without giving proper opportunity of being heard to your appellant.*

**GROUND II**

*On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

i) *Addition No. 1 as per the assessment order Rs. 4,41,45,733 The learned AO made a gross error of adding the above amount u/s 69A, which is in contravention of meaning and requirements of Section 69A.*

ii) *Notwithstanding the same, the AO has without any application of mind passed order recklessly without considering the evidences produced and facts of the case.*

**GROUND III**

*On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

*i) Addition No. 2 as per the assessment order Rs. 65,27,868 The learned AO made a gross error of adding the above amount u/s 69A, which is in contravention of meaning and requirements of Section 69A.*

*ii) Notwithstanding the same, the AO has without any application of mind passed order recklessly without considering the evidences produced and facts of the case.*

**GROUND IV**

*On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

*i) Addition No. 3 as per the assessment order Rs. 48,38,453 The learned AO made a gross error of adding the above amount u/s 69A, which is in contravention of meaning and requirements of Section 69A.*

*ii) Notwithstanding the same, the AO has without any application of mind passed order recklessly without considering the evidences produced and facts of the case.*

*iii) The AO made a ridiculous and erroneous conclusion that the assessee i. e. your appellant has 2 PANs and has same name and has same registered address, which is not factually correct.*

**GROUND V**

*On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

*i) Addition No. 4 as per the assessment order Rs. 29,00,000 The learned AO made a gross error of adding the above amount u/s 69A, which is in contravention of meaning and requirements of Section 69A.*

*ii) Notwithstanding the same, the AO has without any application of mind passed order recklessly without considering the evidences produced and facts of the case.*

#### **GROUND VI**

*On the facts and circumstances of the case and in law the CIT(A) failed to appreciate that:*

*i) Business loss to be carried forward for A.Y. 2018-19 as per return of Rs. 1,14,41,253 is not considered and allowed in the Tax Computation Sheet attached with the assessment order.”*

3. At the outset, Id. Counsel of the assessee submitted that in this matter the original assessment under section 143(3) was completed on 24.06.2021 wherein certain additions were made by the AO under section 69A of the Act, also the carry forward business loss claimed by the assessee in return of income was not allowed in the computation-sheet attached with the order under section 156 of the Act.

4. Aggrieved with such order assessee preferred an appeal before the Id. CIT(A), however the assessee was unable to represent before the Id. CIT(A) on various occasions for the certain reasons beyond its control. The appeal of assessee, therefore was dismissed on account of non-prosecution after discussing the facts and findings from the order of Id. AO. It was the

observation by Id. CIT(A) in his order that in absence of any submission to substantiate the facts stated in statements of facts or grounds of appeal by the assessee, it was concluded that the additions made by the Id. AO would be sustainable. It was the prayer, therefore, that the assessee would wish to pursue its matter before the Id. CIT(A) with admission to comply with all the notices in the set aside Appellate proceedings. We thus in the interest substantial justice, are of the considered opinion to allow one last and final opportunity to assessee to represent its case before the First Appellate Authority (FAA) to arrive at a logical and justified conclusion.

5. Per contra, the Id. Sr. DR, vehemently supported the orders of Id. CIT(A), however has not objected to the request of Id. AR to restore the matter back to the file of Id. CIT(A).

6. We have considered the rival submissions and perused the material available on record and decision of both the authorities below. Admittedly, in present case the representation of assessee before the Id. CIT(A) was only to the extent of submission of adjournments, no further submissions or explanations could be furnished by the assessee. It is also observed that the assessee was provided with seven opportunities by the Id. CIT(A), however due to reasons known to assessee only, no effective representation was made. Although, we are not inclined to encourage such evasive conduct of the assessee before the revenue authorities, however, in the interest of substantial

justice, as agreed by both the parties, find it suitable to restore the matter back to the file of Id. CIT(A) for fresh adjudication, with reasonable opportunities to the assessee. The assessee is directed to comply vigilantly before the Id. CIT(A) as agreed before us, failing which the Id. CIT(A) would be at liberty to decide the issue in accordance with the mandate of law.

7. In result, the appeal of assessee is allowed for statistical purposes, in terms of our aforesaid observations.

*Order pronounced in the open court on 19-01-2026.*

*Sd/-*  
**(PAWAN SINGH)**  
**Judicial Member**  
Mumbai, Dated : 19-01-2026.  
*\*SK, Sr. PS*

*Sd/-*  
**(ARUN KHODPIA)**  
**Accountant Member**

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

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