

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. 7259/MUM/2025(AY: 2017-18)

| | | |
|---|------------|---|
| Mirador Construction Private Limited, 212, E Wing, Marathon Monte Plaza, Mulund West, Mumbai-400080. | vs. | Deputy Commissioner of Income Tax, Circle 14(1)(1), Maharshi Karwe Road, New Marine Lines, Churchgate, Mumbai-400020. |
| PAN/GIR No:AAJCM4936H | | |
| (Appellant) | | (Respondent) |

| | |
|------------------------------|-------------------------------|
| Appellant by | Shri Sudhir Karambelkar |
| Respondent by | Shri Annavaram Kosuri, Sr. AR |
| Date of Hearing | 14.01.2026 |
| Date of Pronouncement | 23.01.2026 |

ORDER

PER VIKRAM SINGH YADAV, AM:

This is an appeal filed by the assessee against the order of the Learned Commissioner of Income Tax (Appeals)-National Faceless Appeal Centre (NFAC), Delhi [‘Ld.CIT(A)’], dated 16-09-2025, pertaining to Assessment Year (AY) 2017-18.

2. Briefly, the facts of the case are that the assessment in this case was completed u/s. 143(3) of the Act vide order dated 27.12.2019, wherein the Assessing officer brought to tax a sum of Rs. 1,53,00,000/- as unexplained cash credit u/s. 68 of the Act for the reason that the assessee has failed to discharge

the necessary onus in terms of proving the identity as well as genuineness of the transactions under consideration. The assessee thereafter carried the matter in appeal before the Id. CIT(A), who has since dismissed the appeal of the assessee on account of non-prosecution and against the said order, the assessee is in appeal before us.

3. During the course of hearing, the Id. AR submitted that the non-appearance before the Id. CIT(A) was neither deliberate nor intentional. It was submitted that due to severe financial hardship, mental stress and involvement in other legal proceedings before the NCLT, EOW and section 138 matters before the Courts, the assessee couldn't attend to the tax proceedings and respond to the notices issued by the Id. CIT(A). It was submitted that in interest of justice, the assessee be provided one more opportunity to present its case and the matter may be remanded to the file of the Id. CIT(A) for fresh adjudication. In this regard, our reference was drawn to the affidavit filed by the Director of the assessee company, Mr. Vijay Babusing Pawar as well as affidavit of Ms. Manasi Hrushikesh Inamdar. Further, it was submitted that subsequent to the passing of the assessment order wherein the AO has brought to tax the amount pertaining to 07 parties from whom the assessee has received unsecured loans, the Pr.CIT has passed an order u/s. 263 of the Act, wherein vide order dated 11.03.2022 the matter relating to remaining all other unsecured loans were remanded to the file of the AO for necessary examination. It was submitted that in the set-aside proceedings, the assessee has filed detailed submissions/documentation regarding the settlement which has been arrived at with various parties wherein the matter has been settled by way of repayment or otherwise and it was stated at the Bar that the said submissions also include the details in respect of the parties in respect of whom the addition had been made by the AO in the instant

case. It was accordingly submitted that the assessee has the necessary documentation in its possession whereby it can demonstrate the genuineness of the transactions and can provide the said information/documentation and an opportunity may therefore be provided and the matter may be set aside to the file of Id. CIT(A).

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

5. We have heard the rival contentions and perused the materials available on records. Admittedly the assessee has not represented before the Id. CIT(A), which has resulted in passing of the ex-parte order and there is no finding on the merits of the case. Further, the Id. AR has stated at the Bar that the assessee can submit all the relevant documentation and, therefore, an opportunity may be provided and matter may be remanded to the file of Id. CIT(A). The limited prayer so made by the Id. AR has not been specifically objected to by the Id. DR. Accordingly, the matter is set aside to the file of the Id. CIT(A) to decide the same afresh as per law, after providing reasonable opportunity to the assessee.

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

Order is pronounced on 23.01.2026

Sd/-
(RAHUL CHAUDHARY)
JUDICIAL MEMBER

Anandi.Nambi(Steno)
MUMBAI
Date: 23.01.2026

Sd/-
(VIKRAM SINGH YADAV)
ACCOUNTANT MEMBER

Copy of the Order forwarded to:

1. The Assessee
2. The Respondent
3. The CIT(A)
4. CIT
5. DR/AR, ITAT, MUMBAI
6. Guard File

By Order

Assistant Registrar
ITAT, MUMBAI