

IN THE INCOME TAX APPELLATE TRIBUNAL
"A" BENCH, MUMBAI
BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER AND
SHRI JAGADISH, ACCOUNTANT MEMBER

I.T.A. No. 7719/Mum/2025
ASSESSMENT YEAR: 2016-17

M/s Agora Microfinance India Limited 710 Vashi Infotech Park, Sector 30A Vashi, Navi Mumbai-400703 PAN: [AABCJ8464F] (Appellant)	Vs.	The Income Tax Officer Ward 15(1)(1), Mumbai Aayakar Bhawan, Maharshi Karve Road, New Marine Lines, Mumbai-400020 (Respondent)
---	-----	--

Appellant by	Ms. Vinita Shah
Respondent by	Shri Surendra Mohan, SR. DR

Date of Hearing	02.02.2026
Date of Pronouncement	02.02.2026

ORDER

Per: SHRI JAGADISH, A.M.:

This appeal is filed by the assessee against the order of the Ld. Commissioner of Income Tax (Appeals), Mumbai dated 25.09.2025, passed u/s 250 of the Income Tax Act, 1961, for A.Y. 2016-17, arising from the order passed by Ld. Assessing Officer (AO) under Section 143(3) r.w.s 254 of Income Tax Act. The assessee has raised following grounds of appeal:-

"1) On the facts and circumstances of the case as well as in law, the Learned CIT(A) has erred in dismissing the appeal by giving findings on the issues and grounds of appeal which were not raised in the impugned appeal, without properly appreciating the facts and circumstances of the case.

2) On the facts and circumstances of the case as well as in law, the Learned CIT(A) has erred in dismissing the appeal without considering the submission filed by the appellant against the order dated 16.04.2024 passed u/s. 143(3) r.w.s 254 read with section 144B of the Income-tax Act, 1961 for the A.Y. 2016-17.

3) On the facts and circumstances of the case as well N.A. as in law, the Learned CIT(A) has erred in not adjudicating the ground of appeal taken by the appellant that the assessment order passed u/s.143(3) r.w.s. 254 r.w.s.144B of the Income Tax Act, 1961 is barred by limitation as per the provision of the Income Tax Act, 1961 and therefore, bad in law and void ab initio.

4) On the facts and circumstances of the case as well as in law, the Learned CIT(A) has erred in not adjudicating the ground of appeal taken by appellant for the addition of Rs.3,07,25,523/- made by the Learned Assessing Officer u/s.68 of the Income Tax Act, 1961 as alleged Unexplained cash credit, without considering the facts and circumstances of the case.

5) On the facts and circumstances of the case as well N.A. as in law, the Learned CIT(A) has erred not adjudicating the ground of appeal taken by appellant that the Learned Assessing Officer / TPO has made the addition of capital account transaction transfer pricing assessment, without considering the facts and circumstances of the case and provision of law.

6) The appellant craves leave to add, amend, alter or delete the said ground of appeal.”

2. At the outset, the learned Authorised Representative submitted that the impugned appellate order suffers from a fundamental factual error. It was submitted that though the appeal before the learned CIT(A) pertained to assessment year 2016-17, the learned CIT(A) has adjudicated the issues by referring to and relying upon facts relating to assessment year 2017-18. The learned Authorised Representative pointed out that appeals for both the assessment years 2016-17 and 2017-18 were pending before the learned CIT(A) and that, while disposing of the present appeal, the learned CIT(A)

has inadvertently considered the facts, additions and issues relating to assessment year 2017-18.

3. It was further submitted that the assessment for assessment year 2016-17 involved an addition of ₹3,07,25,523/- under section 68 of the Act, whereas the impugned appellate order refers to cash deposits during demonetisation and an addition of ₹1,53,91,500/-, which undisputedly pertain to assessment year 2017-18. In view of this factual mismatch, it was contended that none of the grounds raised by the assessee for assessment year 2016-17 have been properly adjudicated and, therefore, the matter deserves to be restored to the file of the learned CIT(A) for fresh adjudication in accordance with law.
4. The learned Departmental Representative fairly agreed with the submissions of the learned Authorised Representative and did not oppose the prayer for restoration of the matter to the file of the learned CIT(A).
5. We have considered the rival submissions and perused the material available on record. On examination of the impugned order, we find merit in the contention of the assessee. The learned CIT(A), while narrating the facts and adjudicating the issues, has clearly proceeded on the basis of facts relating to assessment year 2017-18, including reference to cash deposits during demonetisation and the corresponding addition under section 68. The assessment order under appeal before us, however, pertains to assessment year 2016-17, wherein the Assessing Officer has made an addition of ₹3,07,25,523/- under section 68 of the Act. Thus, it is evident that the learned CIT(A) has not adjudicated the grounds of appeal arising from the assessment order for assessment year 2016-17.
6. In these circumstances, and in the interest of justice, we deem it appropriate to set aside the impugned order and restore the entire matter to the file of the learned CIT(A) for fresh adjudication of the assessee's appeal for assessment year 2016-17, strictly in accordance with law, after considering the correct assessment order, grounds of appeal and submissions of the

assessee. Needless to say, the learned CIT(A) shall afford adequate opportunity of being heard to the assessee.

7. Since the matter is being restored for fresh adjudication, we refrain from expressing any opinion on the merits of the issues raised in the grounds of appeal.
8. In the result, the appeal filed by the assessee is **allowed for statistical purposes.**

Order pronounced in the open court on 02/02/2026 at Mumbai.

Sd/-

(NARENDER KUMAR CHOUDHRY)

JUDICIAL MEMBER

Sd/-

(JAGADISH)

ACCOUNTANT MEMBER

Mumbai, Dated: 02/02/2026.

Ashwani Rao
Sr. Private Secretary

Copy of the order forwarded to:

1. Appellant
2. Respondent
3. The CIT
4. The CIT (Appeals)
5. The DR, I.T.A.T.

By order

(Assistant Registrar)

ITAT, Mumbai