

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'G' BENCH MUMBAI
BEFORE: SHRI PAWAN SINGH, JUDICIAL MEMBER AND
SHRI ARUN KHODIPIA, ACCOUNTANT MEMBER**

MA No. 302/Mum/2025
(Arising out of ITA No. 6979/Mum/2024)
(Assessment Year:2014-15)
(Hybrid hearing)

Walmart Garment Company Private Limited CH No. 9 shop No. 18, Porbandarwala Chawl Chiragnagar LBS Marg, Ghatkopar West, Mumbai 400086	Vs.	ITO Ward 14(3)(1), Mumbai Aayakar Bhavan, Maharshi Karve Road, Mumbai 400020
PAN: AACW9438P		
(Appellant)	..	(Respondent)

Assessee by	Shri. Sharwan Kumark Jha, Advocate Virtually Appear
Revenue by	Shri. Pravin Salunkhe (SR. DR)
Date of Hearing	23/01/2026
Date of Pronouncement	04/02/2026

Order under section 250 of Income Tax Act

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This Miscellaneous Application (MA) is filed by assessee for seeking rectification in order dated 14.10.2025 passed in ITA No. 6979/Mum/2024 for AY 2014-15.
2. In the Miscellaneous Application the assessee inter alia contended that there is mistake apparent in the order dated 14.10.2025 which can be rectified under section 254(2) of the Income Tax Act. It is contended that assessee has raised Ground Nos. 3, 4 and 5 which are purely legal nature on which detailed written submission were made. Notice under section 148 is invalid as it was issued beyond 3 years from the end of the relevant assessment year and the income chargeable to tax having escaped assessment is not represented, "in form of

asset" further (Section 149(1)(b) of Finance Act, 2021), therefore, such notice is barred by limitation and consequential reassessment order passed under section 147 is void-ab-initio. Further, second condition under section 149, prescribes that such escaped income should be represented in the "form of an asset", which is not satisfied, as disallowance of expenditure cannot be construed as being represented in the form of asset. The provisions of Section 149(1)(b) is only applicable for asset prior to 01.04.2022. Expenditure has only included by Finance Act, 2022 with effect from 01.04.2022. It is further contended that Delhi Tribunal in ACIT vs JKM Infra Project Limited in ITA No. 3031/Mum/2025 dated 30.09.2025 held it "*reopening of assessment after three years was invalid since escaped income was not represented in the form of an asset under section 149(1)(b). The reassessment notice issued beyond limitation was quashed.*" By referring the contents of application under section 254 (2), the Id. AR of the assessee submit that is legal grounds have not been considered by the Tribunal. Therefore, there is mistake apparent on record and order dated 14.10.2025 may be recalled for adjudication of appeal afresh. The Ld. AR of the assessee has also filed written submission on similar line running into several pages.

3. On the other hand, learned Senior departmental representative (Ld. Sr.DR) for the revenue strongly opposed the plea of Id. AR of the assessee. The Ld. Sr. DR submit that assessee is seeking review of the order which is not permissible under the garb of application under section 254(2). The assessee can seek rectification of mistake which may be apparent on record. All the ea raised by the assessee were considered while deciding the appeal. The assessee always

remains ex-parte before Assessing Officer. Further, before Ld. CIT(A) no written submission is filed.

4. We have considered the rival submission of both the parties and have gone through the order dated 14.10.2025. On careful perusal of order dated 14.10.2025, we find that the legal ground being Ground No. 2 to 5 are considered in para 5 of order and after consideration thereof such legal grounds were dismissed on merit. Now the assessee seeking review of the order which is beyond the scope of application under section 254 of the Income Tax Act, therefore, we do not find any apparent mistake, which required rectification by invoking power under section 254(2). The ultimate result, based on finding cannot be changed in the application under section 254(2). Hence, application filed by the assessee is rejected.
5. In the result, application filed by the assessee is dismissed.

Order pronounced in open court on 04.02.2026.

Sd/-
(ARUN KHODIPIA)
ACCOUNTANT MEMBER

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

Mumbai; Dated 04/02/2026
Divya Ramesh Nandgaonkar
Stenographer

Copy of the Order forwarded to:

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

BY ORDER,

(Asstt.Registrar)
ITAT, Mumbai