

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "C", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
And
SHRI PRABHASH SHANKAR, ACCOUNTANT MEMBER**

**ITA No.7400/M/2025
Assessment Year: 2015-16**

Pranay Mohan Lokegaonkar, 1, Vatsala Niwas, Sohan Singh Chawl, Santacruz-West,- Mumbai- 400054. PAN – ACXPL4887B	Vs.	ITO, Ward 22 (2)(1), Piramal Chambers, Lalbaug, Mumbai – 400012.
(Appellant)		(Respondent)

Present for:

Assessee by : Shri Vishwas Mehendale,
(Virtually Present)
Revenue by : Shri Virabhadra Mahajan, SR. D.R.
Date of Hearing : 22.01.2026
Date of Pronouncement : 22.01.2026

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the Assessee against the order dated 07.10.2025, impugned herein, passed by the National Faceless Appeal Centre (NFAC)/Ld. Commissioner of Income Tax (Appeals) (in short Ld. Commissioner) u/s 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2015-16.

2. In the instant case, the Assessing Officer, vide assessment order dated 29.03.2022 under section 147 read with sections 144 and 144B of the Act, has made the additions of Rs.36,00,000/- and Rs.1,12,50,000/- on account of unexplained investment under section 69 of the Act and claim of long-term capital gain respectively.

3. The Assessee, being aggrieved, filed a first appeal before the Ld. Commissioner challenging the aforesaid additions; however, could not get any relief, as the Ld. Commissioner, by holding that the Assessee had failed to make the payment of an amount equal to the amount, which was due on its income and also had not requested exemption under the provisions of clause (b) of sub-section (4) of section 249 of the Act, and therefore, the appeal is infructuous and dismissed.

4. We have given thoughtful consideration to the peculiar facts and circumstances of the case. Admittedly, from the impugned order, it appears that the Ld. Commissioner, before deciding the appeal filed by the assessee, has not issued any notice to the Assessee and/or has not provided any opportunity of being heard to the Assessee. Thus, on this peculiar fact, the impugned order is liable to be set aside.

5. Even otherwise, the Assessee has claimed that the income earned by the Assessee was non-taxable and falls within the limits of the non-taxable parameters, as prescribed by the Government and therefore, the Assessee was not required to pay any advance tax.

6. Thus, considering the above peculiar facts and circumstances in totality, we are inclined to remand the matter to the file of the Ld. Commissioner for decision afresh, suffice it to say by affording reasonable opportunity of being heard to the assessee.

7. Thus, the case is remanded to the file of the learned Commissioner for decision afresh, in the above terms.

8. In the result, the Assessee's appeal is allowed for statistical purposes.

Order pronounced in the open court on 22.01.2026.

**Sd/-
(PRABHASH SHANKAR)
ACCOUNTANT MEMBER**

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

Tarun Kushwaha
Sr. Private Secretary.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.