

**IN THE INCOME TAX APPELLATE TRIBUNAL "E" BENCH MUMBAI
BEFORE SMT. BEENA PILLAI, JUDICIAL MEMBER
AND
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**SA No. 11 and 12/MUM/2026
(Arising out of ITA Nos. 9052 and 9053/MUM/2025)
Assessment Years: 2022-23 and 2023-24**

Touchstone Fine Jewellery A-301, Mangalya Building, Off. Marol Maroshi Road, Andheri (E), Mumbai-400059. (PAN : AAIFT2033J)	Vs.	Income Tax Officer Ward 33(1)(1), Mumbai.
(Assessee)		(Respondent)

Present for:

Assessee : Shri R.S. Khandelwal
and Shri Aakash Kumar, CA

Revenue : Shri Pravin Salunkhe, Sr. DR

Date of Hearing : 30.01.2026

Date of Pronouncement : 10.02.2026

ORDER

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

Assessee has moved captioned stay applications for the two assessment years, viz. AY 2022-23 and AY 2023-24 arising out of appeals filed by it before the Tribunal, for the respective years. Through these stay applications, assessee seeks stay of demand remaining outstanding for the two years under consideration, details of which is awaited below.

Sr. No.	Asst. Year	Section	Date of Demand	Demand Amount	Interest Amount	Original Demand
1.	2022-23	143(3)	29.03.2024	1,10,62,137	25,97,118	1,36,59,255
2.	2023-24	143(3)	17.03.2025	49,47,610	13,00,122	62,18,147
Total				1,59,20,190	34,41,411	1,98,77,402

2. Facts of the case are that petitioner filed its return of income for AY 2022-23 on 01.10.2022, reporting total income at Rs.6,31,33,700/-. Ld. Assessing Officer finalized the assessment under section 143(3) r.w.s 144B of the Act on 29.03.2024, determining total income at Rs.8,07,75,743/- and thereby raised a demand of Rs.1,36,59,255/-. Petitioner preferred an appeal to the Id. CIT(A) against the said order which has been disposed off against the assessee vide his order dated 10.12.2025. Petitioner then preferred its appeal before the Tribunal on 24.12.2025 which is not fixed for hearing yet.

3. Assessee deposited Rs.27,32,000/- against the outstanding demand for AY 2022-23 vide challan no. 26836 dated 16.04.2025. Copy of this challan is placed on record. Assessee also deposited another amount of Rs.3,00,000/- on 12.01.2026 vide challan no. 04916. Thus, in total assessee deposited Rs.30,32,000/- against the outstanding demand for AY-2022-23 which comes to more than 20% of the total outstanding demand for the year under consideration. This payment made by the assessee is in compliance with the first proviso to Section 254(2A) of the Act. The said proviso requires that the assessee shall deposit not less than 20% of the amount of tax, interest, fee, penalty or any other sum payable under the provisions of this Act or furnish security of equal amount in respect thereof. According to the said section read along with the first proviso, Tribunal may after considering the merits of the application made by the assessee, pass an order of stay for a period not exceeding 180 days from the date of such order, once the required compliance is met by the assessee.

4. Before us, learned counsel for the assessee submitted that an application was moved before the Ld. Assessing Officer for granting of stay on the recovery of the balance amount outstanding but was rejected and required the assessee to make the full payment of the demand.

5. In the given set of facts and considering the provisions of the Act as enumerated above, we find that the assessee has duly complied with the requirements of depositing not less than 20% of the outstanding demand payable by it which is corroborated by the receipted copy of challan, placed on record. This factual position is not controverted by the Revenue. Accordingly, we grant the stay on collection of outstanding demand by the Revenue for a period of 180 days or till the date of disposal of the relevant appeal, whichever period expires earlier. We make it clear that the assessee shall not seek adjournment on the dates of hearing, failing which the present stay order shall be subjected to review by the Bench hearing the appeal. Accordingly, stay application for AY 2022-23 is allowed.

6. Similar factual position exists in respect of stay application for AY 2023-24 wherein also the assessee has deposited an amount of Rs.12,45,000/- against the outstanding demand vide challan no. 03421 dated 11.04.2025 which is 20% of the total demand payable by the assessee. Copy of the said challan is placed on record. Accordingly, for this assessment year also, on similar factual matrix, we grant stay from collection of the outstanding demand for a period of 180 days or till the date of the disposal of the appeal, whichever period expires earlier. For this year also, we make it clear that assessee shall not seek adjournment, failing which the present stay

order shall be subjected to review by the Bench hearing the appeal.
Accordingly, said stay application for AY 2023-24 is also allowed.

7. In the result, stay applications for both the assessment years are allowed.

Order is pronounced in the open court on 10 February, 2026.

Sd/-
(Beena Pillai)
Judicial Member

Sd/-
(Girish Agrawal)
Accountant Member

Dated: 10 February, 2026.

MP, Sr.P.S.

Copy to :

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

BY ORDER,

(Dy./Asstt.Registrar)
ITAT, Mumbai