

IN THE INCOME TAX APPELLATE TRIBUNAL “F” BENCH MUMBAI

**BEFORE SHRI ANIKESH BANERJEE, JUDICIAL MEMBER
AND
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No. 6589/MUM/2025
Assessment Year: 2017-18**

Unmesh Ravindranath Fadnis A-103 Surya Darshan CHS, Service Road Luise Wadi Thane – 400604 Maharashtra (PAN: AANPF0075F)	Vs.	ITO, ward 3(4) Thane
(Appellant)		(Respondent)

Present for:

Assessee : Shri Sanjeev Bhramhe, CA
Revenue : Shri Sushil Bhagat, Sr. DR

Date of Hearing : 09.02.2026
Date of Pronouncement : 11.02.2026

ORDER

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of National Faceless Appeal Centre (NFAC), Delhi, vide order no. ITBA/NFAC/S/250/2025-26/1079779846(1), dated 20.08.2025, passed against the assessment order by Assessment Unit, u/s. 147 r.w.s. 144 r.w.s. 144B of the Income-tax Act (hereinafter referred to as the “Act”), dated 02.01.2025 for Assessment Year 2017-18.

2. Grounds taken by assessee are reproduced as under:

A) Ground of Appeal:

1. The notice u/s 148A (b) itself was bad-in-law as was issued beyond 5 years' time. Therefore the Assessment is based on wrong notice be declared void-abinitio.

2. The notice u/s 148(A)(b) is bad in law as the information based on which notice has been issued is itself non-existent Asset and information. The CIT Appeal has to consider the fact that appellant has no investment in debentures.

3. The Notice u/s.148 (1) (b) as well as 148 are bad-in-law as the income escaping assessment was less than Rs.50,00,000/- (it was investment Rs.23,50,000/-)

4. The Notice u/s.148 (1)(b) is bad in law as the approval given was very mechanical and without application of mind.

5. The Notice u/s.148 in bad-in-law as it was not physical issued on the Appellant and Appellant is not conversant with the email and not interacting on email and failed to consider all legal points raised by Appellant

6. The Notice u/s.148 is bad-in-law as it has been issued after time limit i.e. it's barred by limitation.

7. The CIT Appeal has failed to give the opportunity and has failed to consider the legal grounds as well as merits of the case

8. The Appellant craves leave to add, after amend, or modify all or any of the above Ground/s of appeal on or before the date of hearing as you may be advised from time to time.

Without Prejudice to the Above:

9. The CIT Appeal has erred in confirming the order of the Assessing Officer in making addition towards time deposit of Rs.28,73,541/- when in reality investment was only Rs.23,50,000/- and also erred in conforming the demand of Rs. 3,11,33,037/-. The CIT (A) has erred in confirming the gross total income as mentioned in the computation sheet attached with the Assessment order as against the actual income of Rs 72,67,952/- as per the Assessment order.

10.The CIT Appeal has failed to quash the initiation of penalty proceedings

3. Facts of the case are that assessee had not filed his return of income for the year under consideration. Specific information was flagged under the Risk Management Strategy (RMS) of the CBDT through the Insight module under the category "Non-Filing of Return." According to this specific information, assessee had entered into the transaction of purchase of debentures issued by a company amounting

to Rs.43,75,000/- and also made investment in time deposits amounting to Rs.28,73,541/-. This information also contained that a TDS of Rs.19,411/- was done u/s. 194A on interest other than interest on securities. Assessee was given opportunity by initiating proceedings u/s. 148A(b) where after, order u/s. 148A(d) was passed on 30.01.2024, treating it as a fit case for issuance of notice u/s.148, which was issued on 30.01.2024. Assessee did not file his return of income in response to the said notice. Notices u/s.142(1) were also issued which remained non-complied. Ld. Assessing Officer thus, concluded that since assessee failed to avail the opportunity provided, *ex parte* assessment was made by making the additions u/s.69 in respect of the aforesaid two investments alleged to be made by the assessee based on specific information noted above. Thus, assessment order was passed u/s.144 r.w.s. 147. During the first appellate proceedings also no submissions were made by the assessee nor any documents filed in support of the grounds raised therein, despite several opportunities given by the ld. CIT(A) fixing dates of hearing on various dates as noted in para-6 of the said first appellate order. Ld. CIT(A) thus constrained by the non-compliance at the end of the assessee dismissed the appeal for want of prosecution. Assessee is in appeal before the Tribunal.

4. Before us, ld. Counsel for the assessee insisted that no investment was made by the assessee in the debentures as alleged by the authorities below. Ld. Counsel prayed that the matter be restored back to the file of ld. Assessing Officer for *denovo* meritorious adjudication by giving an assurance that all the necessary details and explanations shall be furnished. However, Ld. Sr. DR objected on the prayer so made.

5. Having considered the submissions of both the parties and also taking into account the orders of the authorities below, we find it

appropriate, in the interest of justice and fair play to remit the matter back to the file of Id. Assessing Officer for *denovo* meritorious adjudication on the additions made in the impugned assessment. Needless to say, that assessee be given reasonable opportunity of being heard to substantiate the claims made. We also direct the assessee to be diligent in making effective representation before the Id. Assessing Officer for expeditious adjudication and not to seek any adjournment unless warranted by compelling reasons. In the result, grounds raised by the assessee are allowed for statistical purpose.

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

Order is pronounced in the open court on 11 February, 2026

Sd/-
(Anikesh Banerjee)
Judicial Member

Sd/-
(Girish Agrawal)
Accountant Member

Dated: 11 February, 2026

MP, Sr.P.S.

Copy to :

- 1 The Appellant
- 2 The Respondent
- 3 DR, ITAT, Mumbai
- 4 Guard File
- 5 CIT

BY ORDER,

(Dy./Asstt.Registrar)
ITAT, Mumbai