

**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.7309/M/2025
Assessment Year: 2018-19**

Crimson Interactive Private Limited, 1001,10 th Floor, Techniplex II, S.V. Road, Malad West, Mumbai- 400064. PAN – AACCC7445G	Vs.	National Faceless Appeal Centre (NFAC)A/DCIT-4(1)(1), Room No.640, Aayakar Bhavan, M.K. Road, Mumbai-400020.
(Appellant)		(Respondent)

Present for:

Assessee by : Shri Vimal Punmiya, Ld. CA
Revenue by : Shri Virabhadra Mahajan, (SR. D.R.)

Date of Hearing : 20.01.2026
Date of Pronouncement : 12.02.2026

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the Assessee against the order dated 26.08.2025, 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. 2018-19.

2. At the outset, it is observed that there is a delay of 12 days in filing instant appeal. Considering the reasons stated by the Assessee for delay in filing of the appeal, as plausible and reasonable, the delay is condoned.

3. Coming to the merits of the case, we observe that, in the instant case, the AO by considering the peculiar facts and circumstances specific to the effect "that the Assessee during the year has made the investment of Rs.15.77 crores in the mutual funds, as against Rs. 4.4 crores in the previous year and has *suo motu* disallowed an amount of Rs. 24,233/- only, under Section 14A of the Act," made the disallowance of Rs.7,95,293/- (Rs.8,19,526/- – Rs. 24,233/-) and added to the total income of the Assessee.

4. The Assessee being aggrieved challenged the said disallowance by filing first appeal before the Ld. Commissioner, who by observing that the Assessee has not provided its audited finances like balance sheets, profit and loss account and details of the expenditure and therefore, grossly failed to discharge its onus.

The Ld. Commissioner consequently vide impugned order dismissed the appeal of the Assessee, sustaining the aforesaid addition/disallowance under consideration.

5. Thus, the assessee being aggrieved has filed this appeal challenging the impugned order. The Ld. Counsel for the Assessee has submitted that the Assessee has duly filed the relevant documents before both the authorities below somehow, the same skipped the attention of the Ld. Commissioner, may be inadvertently or by overlooking and thus, an opportunity may be

given by remanding the case to the file of the Ld. Commissioner for decision afresh.

6. The Ld. D.R. did not refute the aforesaid claim of the Assessee however, supported the impugned order.

7. We have given thoughtful consideration to the peculiar facts and circumstances of the case. At this juncture, we are inclined not to go into the controversy, whether the Assessee before the Ld. Commissioner has filed the relevant documents or not. However, as per paper book filed before us, which contains the copy of ITR acknowledgment, computerized statement, audited report, balance sheets, copy of details of exempt income, copy of details of expense disallowed, copy of details of investment and copy of submissions made before the Ld. Commissioner and copy of acknowledgment etc. and the certificate appended/given by the Assessee, it appears that the said documents were also filed before the Ld. commissioner. Whatsoever the situation it may be, for just and proper decision of the case and substantial justice, the documents referred to above prima facie appears to be essential and therefore, considering, the peculiar facts and circumstances in totality, we deem it appropriate to remand the instant case to the file of the Ld. Commissioner for decision afresh, suffice it to say, by affording reasonable opportunity of being heard to the Assessee and considering the facts/arguments raised by the Assessee and the documents to be filed again, as the Assessee undertakes to file again before the Id. Commissioner.

8. Thus, in the above terms, the case is accordingly remanded for decision afresh, to the file of Ld. commissioner.

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

Order pronounced in the open court on 12.02.2026.

**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.