

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "F", MUMBAI

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

**ITA No.8125/Mum/2025  
(Assessment year: 2023-24)**

<b>Vikas Vaishnav HUF</b> Office No. LG 81 G, Lower Ground Floor, Express Zone Mall, A Wingh, Western Express Highway, Opp Adani Electricity, Malad (East) Mumbai-400097 <b>PAN: AALHV5953J</b>	<b>vs</b>	<b>ITO Ward 19(3)(1), Mumbai</b> Room No.405, 4 <sup>th</sup> Floor, Piramal Chamber, Lal Baugh, Parel, Mumbai-400012
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by : Shri Himanshu Gandhi,  
Respondent by : Shri Sushil Shende (SR DR)

Date of hearing : 09/02/2026  
Date of pronouncement : 13/02/2026

**ORDER**

**Per: Anikesh Banerjee (JM):**

The instant appeal of the assessee filed against the order of the NFAC, Delhi [for brevity 'the Ld. CIT(A)'], order passed under section 250 of the Income Tax Act, 1961 (for brevity 'the Act') for assessment year 2023-24, date of order 12.09.2025. The impugned order emanated from the order of the Assessment

Unit Income Tax Department (for brevity the 'Ld. AO'), order passed under section 143(3) r.w.s. 144B of the Act, date of order 20.03.2025.

2. The brief facts of the case are that the assessee is a HUF and has filed the return u/sec. 139(1) of the Act. The case was taken for scrutiny by CASS to verify the genuineness of the creditor liabilities & purchase. Accordingly the notice was issued. The Ld. AO found that there is a difference in between the purchase and GST return which comes amount of Rs.36,35,62,457/-. The said amount was duly added back u/sec. 69C r.w.s. 115BBE of the Act with the total income of the assessee. Further the sundry creditor balance for the credit purchases added during the year of Rs. 110,47,06,734/- in respect of Feriha Exm Pvt Ltd, is treated as unexplained cash credit u/s 68 of the Act. Being aggrieved the assessee filed an appeal before the Ld. CIT(A). The Ld. CIT(A) uphold the impugned assessment order. Being aggrieved assessee filed an appeal before us.

3. The Ld. AR argued and filed a paper book containing **page 1 to 56** which has been placed on record. The Ld. AR contended that the details of calculation and reconciliation of purchase as per books and GSTR 2A was placed in **APB page 42** and the said difference is duly reconciled. Related to sundry creditors the ledger account and confirmation from the Fariha Exim Pvt. Ltd. is duly enclosed in **APB page 52 to 56**. The Ld. AR argued that both the additions were made by the Ld. AO during the assessment but during appeal the CIT(A) has passed an order ex parte without considering the submission of the assessee. In both the stage the assessee was denied the reasonable opportunity in support of his argument.

4. The Ld. DR argued and fully relied on the order of the revenue authorities.

5. We have heard the rival submissions and perused the material available on record. During the course of assessment proceedings, the Ld. AO made an addition of Rs.36,35,624/- under section 69C of the Act being the difference between the purchases recorded in the books of account and the purchases reflected in GSTR-2A. Further, an addition of Rs.1,10,47,06,734/- was made under section 68 of the Act on account of alleged unexplained sundry creditors. Subsequently, the Ld. CIT(A) passed an ex parte order on merits after considering the grounds raised by the assessee. The assessee has contended that reasonable opportunity to submit relevant documents and explanations was not adequately granted during the appellate proceedings. Considering the facts and circumstances of the case, and in the interest of natural justice, we deem it appropriate to restore the matter to the file of the Ld. CIT(A) for de novo adjudication. The Ld. CIT(A) is directed to pass a reasoned and speaking order in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case, and all issues are kept open for fresh consideration. Needless to state, the assessee shall be afforded a reasonable opportunity of being heard in the set-aside proceedings, and any evidence sought to be filed shall be considered in accordance with law. The assessee is also directed to remain diligent and extend full cooperation to ensure expeditious disposal of the matter.

Accordingly, the appeal of the assessee is allowed for statistical purposes.

6. In the result, the appeal of the assessee bearing **ITA No.8125/Mum/2025** is allowed for statistical purpose.

Order pronounced in the open court on 13<sup>th</sup> day of February 2026.

Sd/-

(GIRISH AGRAWAL)  
ACCOUNTANT MEMBER

Mumbai, दिनांक/Dated: 13/02/2026  
SAUMYASr.PS

Sd/-

(ANIKESH BANERJEE)  
JUDICIAL MEMBER

**Copy of the Order forwarded to:**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकरआयुक्त CIT
4. विभागीयप्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,  
Mumbai
5. गार्डफाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar), ITAT, MUMBAI