

**IN THE INCOME-TAX APPELLATE TRIBUNAL, MUMBAI "J" BENCH, MUMBAI
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

ITA No. 8859/MUM/2025(AY: 2017-18), ITA No. 8860/MUM/2025(AY: 2018-19)

&

ITA No. 8861/MUM/2025(AY: 2019-20),

Suresh Sonaji Purohit, 315 Jolly Bhavan No.1, 10 New Marine Lines, Churchgate, Mumbai- 400020.	vs.	DCIT Central Circle 4(2), Kautilya Bhawan, C41-43, Avenue 3, near Videsh Bhawan, G Block BKC, Gilban Area, Bandra Kurla Complex, Bandra East, Mumbai-400051.
PAN/GIR No: AWJPP6368F		
(Appellant)		(Respondent)
Appellant by	Shri Bharat Kumar	
Respondent by	Shri Aditya Rai (SR DR)	
Date of Hearing	09.02.2026	
Date of Pronouncement	.02.2026	

ORDER

PER BENCH: -

These three appeals filed by the assessee emanate from the common order passed under section 250 of the Income-tax Act, 1961 (in short, 'Act') by the Commissioner of Income-Tax (Appeals)-52, Mumbai dated 06.10.2025 for the assessment years (AY) 2017-18, 2018-19 and 2019-20. In all appeals, the grounds of appeal and the facts are similar except variation of addition on account of unexplained investment. Therefore, with consent of both parties, the appeals were clubbed, heard together and are decided by a common order for the sake of convenience and brevity. ITA No.8859/Mum/2025 is taken as the lead case.

2. The grounds of appeal raised by the assessee in ITA No.8859/Mum/2025

(AY: 2017-18) are as under:

"1. The learned Commissioner of Income Tax (Appeals) ["CIT(A)"] has grossly erred in upholding the action of the Assessing Officer in making an addition of Rs.1,00,000/- as unexplained investment under section 69 of the Income-tax Act, 1961, for the Assessment Year, without proper appreciation of facts and law.

2. The learned CIT(A) has erred in law and on facts in upholding the addition without providing the appellant an effective opportunity of cross-examination of the persons whose statements have been relied upon, thereby violating the principles of natural justice"

3. The lower authorities erred in placing reliance on mere allegations regarding a supposed payment to M/s. Rubberwala Housing and Infrastructure Limited, in the absence of any corroborative trail or independent verification to substantiate such a claim.

4. The appellate order suffers from non-application of mind inasmuch as it disregarded the evidence furnished by the appellant and proceeded to confirm the addition in a mechanical manner, solely based on conjectures.

5. The A.O. did not share any incrementing materials which used against the assessee which is valuation of principle of natural justice.

6. The appellant craves leave to add, alter, amend or withdraw any ground of appeal at the time of hearing."

3. The grounds of appeal raised by the assessee in ITA No.8860/Mum/2025

(AY: 2018-19) are as under:

"1. The learned Commissioner of Income Tax (Appeals) ["CIT(A)"] has grossly erred in upholding the action of the Assessing Officer in making an addition of Rs.12,75,350/-as unexplained investment under section 69 of the Income-tax Act, 1961, for the Assessment Year, without proper appreciation of facts and law.

2. The learned CIT(A) has erred in law and on facts in upholding the addition without providing the appellant an effective opportunity of cross-examination of the persons whose statements have been relied upon, thereby violating the principles of natural justice.

3. The lower authorities erred in placing reliance on mere allegations regarding a supposed payment to M/s. Rubberwala Housing and Infrastructure Limited, in the absence of any corroborative trail or independent verification to substantiate such a claim.

4. The appellate order suffers from non-application of mind inasmuch as it disregarded the evidence furnished by the appellant and proceeded to confirm the addition in a mechanical manner, solely based on conjectures.

5. The A.O. did not share any incrementing materials which used against the assessee which is valuation of principle of natural justice.

6. The appellant craves leave to add, alter, amend or withdraw any ground of appeal at the time of hearing.”

4. The grounds of appeal raised by the assessee in ITA No.8861/Mum/2025

(AY: 2019-20) are as under:

“1. The learned Commissioner of Income Tax (Appeals) [“CIT(A)”] has grossly erred in upholding the action of the Assessing Officer in making an addition of Rs.6,96,875/- as unexplained investment under section 69 of the Income-tax Act, 1961, for the Assessment Year, without proper appreciation of facts and law.

2. The learned CIT(A) has erred in law and on facts in upholding the addition without providing the appellant an effective opportunity of cross-examination of the persons whose statements have been relied upon, thereby violating the principles of natural justice.

3. The lower authorities erred in placing reliance on mere allegations regarding a supposed payment to M/s. Rubberwala Housing and Infrastructure Limited, in the absence of any corroborative trail or independent verification to substantiate such a claim.

4. The appellate order suffers from non-application of mind inasmuch as it disregarded the evidence furnished by the appellant and proceeded to confirm the addition in a mechanical manner, solely based on conjectures.

5. The A.O. did not share any incrementing materials which used against the assessee which is valuation of principle of natural justice.

6. The appellant craves leave to add, alter, amend or withdraw any ground of appeal at the time of hearing.”

5. Facts of the case, in brief, are that the assessee filed return of income for AY 2017-18 on 03.08.2017 declaring total income at Rs.4,52,880/-. A search and seizure operation u/s 132 of the Act was carried out on 17.03.2021 in case of Rubberwala group and Ors. It was gathered during the search that the appellant had purchased shop in Platinum Mall Building, Girgaon, Mumbai and amount of Rs.20,72,225/- was paid in cash on acquisition of the property. Rs.1,00,000/-, Rs.12,75,350/- and Rs.6,96,875/- in cash were paid in AY 2017-18, 2018-19 and 2019-20 respectively. Thereafter, assessment order u/s 153(C) was passed on 18.03.2024 by making addition of Rs.1,00,000/- as unexplained investment u/s 69 of the Act.

5.1 Aggrieved by the order of the Ld.AR before the CIT(A). The appellant challenged the assessment order on jurisdiction as well as the merit of the addition. The CIT(A) dismissed the appeal of the assessee on both counts.

6. Aggrieved by the order of CIT(A), the assessee filed appeal before the Tribunal. At the outset, the Ld. AR of the assessee submitted that the issue in the instant appeals are squarely covered the decision of the coordinate bench of Mumbai Tribunal in various cases of the Rubberwala group. He has filed factual and legal paper-books and submitted that the issues in the instant appeal are covered by the following decisions:- (i) Pravin K Purohit Vs. DCIT Central Circle

4(2), ITA No 4742-4744/MUM/2025 dated 15.10.2025 (AY 2017-18, 2018-19 & 2020-2021), (ii) Akhraj P Chopra Vs. DCIT Central Circle 4(2), ITA No 5553-5555/MUM/2025 & Lilaram Vs. DCIT Central Circle 4(2), ITA No 5554-5557/MUM/2025 dated 10.11.2025 (AY 2019-20 & AY 2020-2021), (iii) Bhavana Vs. Jain Vs. ACIT Central Circle 4(2), ITA No 6363-6365/MUM/2025 dated 10.12.2025 (AY 2017-18, 2018-19 & 2019-20), (iv) Bharat Solanki Vs. DCIT Central Circle 4(2), ITA No 6523-6525/MUM/2025 dated 23.12.2025 (AY 2017-18, 2018-19 & 2019-20), (v) Manish K Seksaria 92-111 Vs. DCIT Central Circle 4(2), ITA No 5499-5501/MUM/2025 dated 23.12.2025 (AY 2017-18, 2018-19 & 2019-20), (vi) Mishra Ganesha Ram Vs. DCIT Central Circle 4(2), ITA No 5552 & 5556/MUM/2025 dated 23.12.2025 (AY 2019-20 & AY 2020-21), (vii) Manish Mali Vs DCIT Central Circle 4(2), ITA No 6571, 6569 & 6568/MUM/2025 (AY 2017-18, 2018-19 & 2019-20) & Darpan H Mehta VS DCIT Central Circle 4(2), ITA No 5488-5489/MUM/2025 (AY 2018-19 & AY 2019-20) & Dinesh Megharam Choudhary VS DCIT Central Circle 4(2), ITA No 6480, 6479 & 6478/MUM/2025 (AY 2017-18, 2018-19 & 2019-20) dated 24.12.2025, (viii) Arvind K Purohit Vs. DCIT Central Circle 4(2), ITA No 4747 & 4746/MUM/2025 dated 20.01.2026 (AY 2017-18, 2018-19), (ix) Bharat H Purohit VS DCIT Central Circle 4(1), ITA No 5831 & 5832/MUM/2025 dated 19.01.2026 (AY 2017-18, 2018-19),

(x) Bhavesh H Solanki Vs. DCIT Central Circle 4(2), ITA No 7460-7462/MUM/2025 dated 20.01.2026 (AY 2017-18, 2018-19 & 2019-20), (xi) Bipin F Jain Vs. DCIT Central Circle 4(2), ITA No 7021, 7023 & 7022/MUM/2025 dated 19.01.2026 (AY 2017-18, 2018-19 & 2019-20), (xii) Jayantilal Purohit Vs. DCIT Central Circle 4(2), ITA No 5682-5684/MUM/2025 dated 30.12.2025 (AY 2017-18, 2018-19 & 2019-20), (xiii) Kulsum Aaqib Memon Vs. DCIT Central Circle 4(2), ITA No 6450/MUM/2025 dated 06.01.2026 (AY 2021-22), (xiv) Ganpat H Purohit Vs DCIT Central Circle 4(2), ITA No 5827-5830/MUM/2025 dated 22.01.2026 (AY 2017-18, 2018-19, 2019-20 & 2020-21). The Ld. AR submitted that in all these cases, the different co-ordinate benches of the Tribunal have decided similar issue in favour of the assessee. He therefore, requested that the addition made by the AO and confirmed by the CIT(A) may be deleted and appeal of the assessee may be allowed.

7. On the other hand, the learned Senior Departmental Representative (Sr. DR) for the revenue relied on the orders of AO and CIT(A).

8. We have heard both the parties and perused the materials on record. We have also deliberated on the decisions relied upon by the Ld. AR. The Ld. CIT (DR) has not been able to controvert the claim of the appellant that the cases are covered by the decisions of the coordinate benches of the ITAT, Mumbai in the cases relied upon by the Ld. AR supra. In case of Akhraj P Chopra (supra), the ITAT

decided the issue in favour the appellant by following the order of the ITAT, Mumbai in case of Praveen K Purohit (supra), which in turn relied on the decisions of ITAT, Mumbai in cases of Rajesh Jain in ITA No.3841 & 3842 and ITA Nos. 3950, 3951, 3952 and 3954/Mum/2023; Heena Dashrath Jhanglani (ITA No.1665/Mum/2018); Monika Anand Gupta (ITA No.5561/Mum/2018); Ms. Mamta Sharad Gupta (ITA No.1553/Mum/2021) and others. The relevant part of the decision of Praveen K Purohit (supra) has been reproduced at page 5 to 14 of the ITAT order (supra) and all four appeals of the assessee were allowed. The Tribunal finally decided as under:-

“6. On comparison of fact of present case, we do not find any material difference, therefore, respectfully following the same, the ground no. 2 & 3 of the appeal are allowed.

7. We find that no specific submission was made against ground no. 1, which relates to validity of assessment order passed under section 153C. Therefore, such ground of appeal is treated as not pressed and dismissed. In the result, the appeal of the assessee is partly allowed.

ITA No. 5555/M/2025 (AY: 2020-21)

ITA No. 5554/M/2025 (AY: 2019-20)

ITA No. 5557/M/2025 (AY: 2020-21)

8. In all the three appeals, the assessee has raised similar ground of appeal against passing the assessment order under section 153C as well as addition on merit. Considering the fact that we have deleted the addition and dismissed the corresponding ground related with validity of assessment under section 153C, therefore, our finding in ITA No. 5553/M/2025 will be applicable mutatis mutandis in all three appeals. In the result, all the three appeals are partly allowed.

9. In the result, all the four appeals of the assessee are allowed.”

9. Since the facts of the present appeal are similar to the facts of the case cited supra, following the findings in the case of Akhraj P. Chopra (surpa), the order of CIT(A) is set aside and the appeal of the assessee is allowed.

ITA No.8860 & 8861/Mum/2025 (AY: 2018-19 and 2019-20)

10. The facts and the grounds of the above appeals are similar to those of ITA No.8859/Mum/2025 (AY: 2017-18) decided above. Following the reasons given in the said appeal, these appeals of the assessee are also allowed.

11. In the combined result, all three appeals are allowed.

Order is pronounced on .02.2026.

(PAWAN SINGH)
JUDICIAL MEMBER

(BIJYANANDA PRUSETH)
ACCOUNTANT MEMBER

*Aniket Chand; Sr. PS
MUMBAI

Date: .02.2026

Copy of the Order forwarded to:

1. The Assessee
2. The Respondent
3. The CIT(A)
4. CIT
5. DR/AR, ITAT, MUMBAI
6. Guard File

By Order
Assistant Registrar
ITAT, MUMBAI

		Date	Initial	
1.	Draft dictated on (dictation sheet is enclosed with main file.)		}	PS
2.	Draft placed before author			PS
3.	Draft proposed & placed before the second member			
4.	Draft discussed/approved by Second Member.			
5.	Approved Draft comes to the Sr.PS/PS			
6.	Kept for pronouncement on			
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			
11.	Draft dictation sheets are attached			PS