

**आयकर अपीलीय अधिकरण न्याय पीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“E” BENCH, MUMBAI**

**BEFORE SHRI AMIT SHUKLA, JM &**  
**SHRI ARUN KHODPIA, AM**

**I.T.A. No. 6795/Mum/2025**  
(Assessment Year: 2016-17)

**I.T.A. No. 6796/Mum/2025**  
(Assessment Year: 2017-18)

<b>Tarasing &amp; Sons,</b> C/10, Roy Apt, Sahar, Andheri (East), Mumbai-400099. <b>PAN: AAHFT5354K</b>	Vs.	<b>CIT(Appeals)-NFAC/ITO,</b> <b>Ward-33(1)(1),</b> Kautilya Bhawan, NFAC, Delhi, BKC, Mumbai-400051.
<b>Assessee - अपीलार्थी / Appellant</b>	:	<b>Revenue - प्रत्यर्थी / Respondent</b>

**Assessee by** : None  
**Revenue by** : Shri Himanshu Joshi, Sr. DR  
**Date of Hearing** : 16.02.2026  
**Date of Pronouncement** : 17.02.2026

**ORDER**

**Per Bench:**

The aforesaid appeals are preferred by the assessee against the order of Commissioner of Income Tax (Appeals)/ National Faceless Appeal Centre (NFAC), Delhi (“Ld. CIT(A)”) dated 19.08.2025 for the assessment year 2016-17 & 2017-18.

2. At the outset, it is noticed that there was no representation on behalf of the assessee, whereas these appeals are fixed for hearing, after the adjournment as requested by the assessee on the previous date of hearing dated 22.12.2025. It is further brought to our notice by the ld. Sr. DR representing the revenue that in these matters both the impugned orders passed by revenue authorities i.e. the ld. AO and the First Appellate Authority (FAA) are *ex-parte* orders and there was no compliance by the assessee before both the authorities. Further on perusal of the order of ld. CIT(A) at para-4, it is evident that the ld. CIT(A) has granted 10 opportunities by fixing the date of hearing starting from 16.08.2023 up to 11.02.2025, however there was no submissions by the assessee/appellant. We further noticed that the ld. CIT(A) has mentioned in his order that “Even otherwise on the merits of its also, I do not see any reason to differ with the findings of ld. AO”. This shows, there was no discussion on merits in the order of ld. CIT(A), though he was also compelled with the circumstances as the assessee has not furnished any response before him. We find that ld. CIT(A) was under obligation to pass a reasonable, justified and speaking order by considering the facts and material on record, so as to comply with the provisions of section 250(4) & (6) of the Act. Our aforesaid view is duly supported by the decision of Hon’ble Jurisdictional High Court in the case of **CIT vs. Premkumar Arjundas Luthra (HUF)- [2016] 69 taxmann.com 407 (Bombay)** wherein the Hon’ble High Court has held as under:

"8. From the aforesaid provisions, it is very clear once an appeal is preferred before the CIT(A), then in disposing of the appeal, he is obliged to make such further inquiry that he thinks fit or direct the AO to make further inquiry and report the result of the same to him as found in Sec. 250 of the Act. Further, Sec. 250(6) of the Act obliges the CIT(A) to dispose of an appeal in writing after stating the points for determination and then render a decision on each of the points which arise for consideration with reasons in support. Sec. 251(1)(a) and (h) of the Act provide that while disposing of appeal the CIT(A) would have the power to confirm, reduce, enhance or annul an assessment and/or penalty. Besides Explanation to sub-s. (2) of [s. 251](#) of the Act also makes it clear that while considering the appeal, the CIT(A) would be entitled to consider and decide any issue arising in the proceedings before him in appeal filed for its consideration, even if the issue is not raised by the appellant in its appeal before the CIT(A). Thus once an assessee files an appeal under [s. 246A](#) of the Act, it is not open to him as of right to withdraw or not press the appeal. In fact the CIT(A) is obliged to dispose of the appeal on merits. In fact w.e.f. 1st June, 2001 the power of the CIT(A) to set aside the order of the AO and restore it to the AO for passing a fresh order stands withdrawn. Therefore, it would be noticed that the powers of the CIT(A) are co-terminus with that of the AO i.e. he can do all that A.O could do. Therefore, just as it is not open to the AO to not complete the assessment by allowing the assessee to withdraw its return of income, **it is not open to the assessee in appeal to withdraw and/or the CIT(A) to dismiss the appeal on account of non-prosecution of the appeal by the assessee. This is amply clear from the [s. 251\(1\)\(a\)](#) and (b) and Explanation to Sec. 251(2) of the Act which requires the CIT(A) to apply his mind to all the issues which arise from the impugned order before him whether or not the same has been raised by the appellant before him.** Accordingly, the law does not empower the CIT(A) to dismiss the appeal for non-prosecution as is evident from the provisions of the Act."

3. In backdrop of aforesaid facts and circumstances and ratio of law laid down by Hon'ble Bombay High Court, we are inclined to set-aside the order of Id. CIT(A) and restored the matter back to the file of Id. CIT(A) for fresh adjudication.

4. In result, both the aforesaid appeals of assessee, comprising of identical facts and circumstances are restored back to the file of Id. CIT(A) for fresh adjudication on merits.

5. In result, the captioned two appeals of the assessee are allowed for statistical purposes, in terms of our aforesaid observations.

*Order pronounced in the open court on 17-02-2026.*

*Sd/-*  
**(AMIT SHUKLA)**  
**Judicial Member**

Mumbai, Dated : 17-02-2026.

*\*SK, Sr. PS*

*Sd/-*  
**(ARUN KHODPIA)**  
**Accountant Member**

**Copy of the Order forwarded to :**

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

BY ORDER,

(Dy./Asstt. Registrar)  
**ITAT, Mumbai**