IN THE INCOME-TAX APPELLATE TRIBUNAL, MUMBAI "F" BENCH, MUMBAI
BEFORE SHRI SANDEEP GOSAIN, JUDICIAL MEMBER AND
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER
ITA No. 7737/MUM/2025(AY:2017-18)

Vaibhav Tewari, 88 Krishna Niwas, Society Park Narhi, Lucknow, Uttar Pradesh-226001.	**vs.**	CIT(A), Kautilya Bhawan, Mumbai-400051.
PAN/GIR No: AECPT2741P		
(Appellant)		(Respondent)

Appellant by	None
Respondent by	Ms. Kavitha Kaushik (SR DR)
Date of Hearing	28.01.2026
Date of Pronouncement	20.02.2026

O R D E R

PER BIJYANANDA PRUSETH, AM:

This appeal filed by the assessee emanates from the order passed under section 250 of the Income-tax Act, 1961 (in short, 'Act') by the Commissioner of Income-Tax (Appeals), National Faceless Appeal Centre [in short, 'CIT(A)'], dated 16.10.2025 for the assessment year (AY) 2017-18.

2. The grounds of appeal raised by the assessee are as under:

> *"1. That the notice dated 29.07.2022 issued under Section 148 of the Income Tax Act, 1961 (the Act) by the Assessing Officer is illegal, bad in law, without jurisdiction and barred by time limitation.*
> *2. That the assessment order dated 30.05.2023 passed under Section 147 of the Act and the disallowance made thereunder are illegal, bad in law and without jurisdiction. The National Faceless Appeal Centre (NFAC) vide order dated 18.07.2024 has also erred in upholding the same.*

3. That the disallowance amounting to Rs. 8,62,197 made by the 3 Assessing Officer and as upheld by the NFAC are illegal, bad in law and without jurisdiction.

4. That on the facts and in the circumstances of the case, the authorities below have erred in law and on facts in disallowing the Appellants claims under Section 10 of the Act, including 4 conveyance allowance of Rs. 8,000/-, medical reimbursement of Rs. 12,500/-, and House Rent Allowance (HRA) of Rs. 7,30,000/-, despite the Appellant having furnished complete evidences and documents in support thereof.

5. That on the facts and in the circumstances of the case, the authorities below have erred in disallowing the Appellants claim of deductions under Chapter VIA, including deduction of Rs. 5 51,697/-under Section 80D towards medical insurance and deduction of Rs. 60,000/- under Section 80DDB towards medical treatment, without verifying the documents and medical records placed on record.

6. That the order of the Assessing Officer as well as NFAC have been passed without considering the submissions filed by the Assessee and hence, the same is in violation of principles of Natural Justice.

7. That the Assessing Officer as well as NFAC have erred in not considering the material placed and available on record and have failed to judicially interpret the same as the same do not justify the addition/disallowance made.

8. That the reassessment proceedings are void as the approval 8 under Section 151 of the Act is illegal, bad in law, mechanical and without application of mind and not in accordance with law.

9. That the reassessment proceedings initiated are contrary to the provisions of law including the specific provisions of section 147 to section 151 of Act and therefore, the reassessment proceeding initiated along with assessment order passed are liable to be quushed.

10. That the notice dated 20.05.2022 issued under Section 148A(b) of the Act, order passed under Section 148A(d) of the Act and the notice dated 29.07.2022 issued under Section 148 of the Act by the Jurisdictional Assessing Officer are illegal, bad in law, without jurisdiction and in violation of Section 151A of the Act."

3. At the outset, it may be mentioned that the assessment order was passed by the AO of the NFAC. However, the appellant has wrongly mentioned the respondent as Commissioner of Income Tax (Appeals) instead of the Assessing Officer (AO). The case was posted for hearing on 28.01.2026. However, none

appeared on behalf of the assessee on 28.01.2026 nor any request for adjournment nor written submission were filed. Hence, no useful purpose would be served by prolonging the proceedings before us. The case is, accordingly, decided on the basis of materials available on record.

4. Facts of the case in brief are that the assessee had not filed his return of income for the AY 2017-18. On the basis of information regarding financial transactions undertaken by the assessee, it was found that income chargeable to tax had escaped assessment and hence, notice u/s 148 was issued on 29.07.2022. The assessee did not respond to the said notice or the subsequent notice issued u/s 142(1) of the Act. However, in response to the show cause notice dated 13.04.2023, assessee filed his return of income on 24.04.2023 declaring total income at Rs.46,86,542/-. The appellant had claimed various deductions under chapter VIA of the Act and also claimed exemption u/s 10 of the Act. Thereafter, AO issued notice u/s 143(2) and show cause notice but no reply was filed by the assessee. Hence, the AO completed the assessment u/s 147 rws 144B by making addition of Rs.8,62,197/- by disallowing various exemptions and deductions claimed by the assessee. The total income was determined at Rs.52,82,857/-.

5. Aggrieved by the order of AO, the assessee filed appeal before the CIT(A). In the appellate proceedings, the appellant had not filed any written submission in response to the notices issued u/s 250 by the CIT(A). Hence, the CIT(A)

dismissed the appeal for non-prosecution as well as on merit. In absence of any material, arguments or submission from the assessee, he confirmed the order of the AO and dismissed the grounds of the appeal. Accordingly, appeal filed by the assessee was dismissed.

6. Aggrieved by the order of CIT(A), the assessee filed appeal before the Tribunal. The assessee has also not filed any written submission and details in support of the grounds raised in the appeal. The assessee has also not requested for any adjournment.

7. On the other hand, the learned Commissioner of Income-tax - Departmental Representative (ld. CIT-DR) for the revenue supported the order of lower authorities.

8. We have head both the parties and perused the materials available on record. The assessee had not filed the return of income for AY.2017-18. The assessee had salary income of Rs.56,33,639/- from which it had claimed various exemptions and deductions u/s 10 and chapter VIA of the Act including conveyance allowance (Rs.8,000/-), medical reimbursement (Rs.12,500/-), house rent allowance (Rs.7,30,000/-), medical insurance (Rs.51,697/- u/s 80D) and medical expenses (Rs.60,000/- u/s 80DDD). The total exemptions and deductions claimed were Rs.8,62,197/-. The case was re-opened and assessee was given various opportunities to explain the aforesaid claim but the assessee did not

furnish any evidence. Hence, order u/s 144 r.w.s. 147 of the Act was passed by making addition of Rs.8,62,197/-. In the appellant proceedings before CIT(A), the opportunities of hearing were not complied with. Due to non-prosecution of appeal and failure to support the grounds of appeal by corroborative evidence, the appeal was dismissed. Before us, the appellant did not respond to the notice issued by the Tribunal nor any written submission was made. Thus, we find that assessee has no material to support the grounds raised by him; otherwise, there was no reason for the silence of the assessee before the AO, CIT(A) and the Tribunal. In absence of explanation regarding nature and source of the impugned expenses, the addition of Rs.8,62,197/- by the AO, which has been confirmed by CIT(A), does not require any interference. Hence, the grounds are dismissed.

9. It has also been held in a number of cases that dismissal of appeal is an inherent power which every Tribunal possesses. The Hon'ble Bombay High Court in case of M/s Chemipol vs. UOI, Central Excise Appeal No.62 of 2009, referred to the decision in case of Sundarlal vs. Nandramdas, AIR 1958 MP 206 where it was observed that though the Act does not give any power of dismissal, it is axiomatic that no Court or Tribunal is supposed continue a proceeding before it when the party who has moved it has not appeared nor cared to remain present. The dismissal, therefore, is an inherent power which every Tribunal possesses. This was approved in Dr. P. Nalla Thampy vs. Shankar, 1984 (Supp) SCC 631. In New

India Assurance vs. Srinivasan, (2000) 3 SCC 242, it was held that every Court or judicial body or authority which has a duty to decide a lis between two parties, inherently possesses the power to dismiss a case in default. Where a case is called for hearing and the party is not present, the Court or the judicial or quasi-judicial body is under no obligation to keep the matter pending before it or to pursue the matter on behalf of the complainant who had instituted the proceedings. The Hon'ble Supreme Court in case of CIT vs. B. N. Bhattacharjee & Ors., (1979) 10 CTR 354 (SC) observed that preferring an appeal means effectively pursuing it. Following the above authoritative precedents, the appeal is also liable to be dismissed.

10. In the result, the appeal of the assessee is dismissed.

Order is pronounced on 20.02.2026.

Sd/-	**Sd/-**
(SANDEEP GOSAIN)	**(BIJYANANDA PRUSETH)**
JUDICIAL MEMBER	**ACCOUNTANT MEMBER**

*Aniket Chand; Sr. PS
MUMBAI
Date: 20.02.2026

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