

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

**BEFORE HON'BLE SHRI SANDEEP GOSAIN, JUDICIAL MEMBER &  
HON'BLE SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

**ITA No. 8614/Mum/2025  
(Assessment Year: 2017-18)**

Jayesh Naroliwala Flat No. 004, Plot No. 21, Hindu Friend Society Road, Jogeshwari East S. O. Mumbai - 400060	Harish	Vs.	ITO-Ward41(4)(2), Mumbai
PAN/GIR No. ABZPN6008R			
(Applicant)			(Respondent)

Assessee by	Shri Satyaprakash Singh
Revenue by	Shri Akhtar H. Ansari - SR. DR

Date of Hearing	25.02.2026
Date of Pronouncement	26.02.2026

आदेश / ORDER

**PER SANDEEP GOSAIN, JM:**

The present appeal has been filed by the assessee challenging the impugned order 10.10.2025 passed u/s 250 of the Income Tax Act, 1961 ('the Act'), by the National Faceless Appeal Centre, Delhi (NFAC) for the assessment year 2017-18. The following grounds are reproduced below:

*"Ground No. 1:*

*On the facts and circumstances of the case and in law, the Hon'ble Commissioner of Income Tax (Appeal) ie*

*CIT(A)/National Faceless Appeal Centre ie NFAC vide order dated 10.10.2025 has erred in upholding the re-assessment order passed u/s 147 r.w.s 1448 dated 26.05.2023 wherein the assessed income of Rs. 1,35,74,920 was determined, being the same as determined in the original assessment order u/s 143(3) dated 24.12.2019. The appellant has already filed appeal before the Hon'ble CIT(A) against the original assessment order u/s 143(3) and the appeal is still pending till date. Thus, the action of the Ld. AO in re-opening the assessment by passing order u/s 147 r.w.s 1448 and subsequently, the order passed by the Hon'ble CIT(A)/NFAC are bad in law as it has resulted in parallel proceedings on the same assessed income, which is impermissible.*

*Ground No. 2:*

*Pursuant to the facts and circumstances mentioned in the above ground, the appellant case was re-opened in relation to the purchase of the Cosmopolis Flat in 2010. However, both the Ld. AO in the re-assessment order u/s 147 and the Hon'ble NFAC/CIT(A) u/s 250 have erroneously retained the assessed, income as determined in the original assessment order u/s 143(3) on 24.12.2019 without examining the issue for which the assessment was reopened.*

*Ground No. 3:*

*On the facts and circumstances of the case and in law, the Hon'ble CIT(A)/NFAC has erred in upholding the re-assessment order passed u/s 147 r.w.s 144B dated 26.05.2023, wherein the appellant had already explained the source of investment in Cosmopolis Flat vide the appellant submission dated 27.02.2023 but the same was not considered by the Ld. AO.*

*Ground No. 4:*

*On the facts and circumstances of the case and in law, the Hon'ble CIT(A)/NFAC has erred in upholding the decision of the Ld. AO without application of mind and completely misunderstanding the facts of the case and erroneously considering the same assessed income as determined in the original assessment order u/s 143(3) on 24.12.2019,*

*without examining the issue for which the assessment was reopened.*

*Ground No. 5:*

*On the facts and circumstances of the case and in law, the Hon'ble CIT(A)/NFAC has erred in upholding the re-assessment order passed u/s 147 r.w.s 144B dated 26.05.2023, wherein the Ld. AO in relation to the "Cosmopolis" flat has incorrectly treated the date of registration of the purchase agreement i.e 13.04.2016 as the date of acquisition of the property and completely ignoring the facts that the appellant had acquired and taken possession of the property on 11.05.2010 as per the Letter of Allotment. The Ld. AO treating the property as a short-term capital asset and denied the appellant indexation benefit and incorrectly computed capital gains by comparing the sale consideration (Rs. 1,80,56,000) with the actual purchase cost of Rs. 59,70,000. Further, the Ld. AO considered the assessed income as per the order u/s 143(3) dated 24.12.2019 without fresh consideration of the facts."*

2. From the records, we noticed that assessee was *ex-parte* before Ld. CIT(A). In this regard Ld. AR explained that no notices were received by the assessee on the e-mail address mentioned in Form-35. Whereas on enquiries assessee came to know that the notices were served upon different address and requested that opportunity be provided to substantiate his case before Ld. CIT(A) and requested for restore the matter back to the file of Ld. CIT(A) for afresh adjudication.

3. On the other hand DR relied upon the orders passed by the revenue authorities.

4. Be that as it may, without going into the merits of the issues raised by the assessee and considering the fact that

there was reasonable cause, because of which assessee could not put effective representation before Ld. CIT(A). Hence the Bench is of the view that one more opportunity be given to the assessee to represent his case before Ld. CIT(A). Therefore considering the overall circumstances of the present case, we deem it proper to restore the matter back to the file of Ld. CIT(A) for deciding the appeal afresh by providing one more opportunity to the assessee. The assessee shall not seek any adjournment on frivolous grounds and shall remain cooperative during the course of proceedings.

5. Before parting, we make it clear that our decision to restore the matter back to the file of the Ld. CIT(A) shall in no way be construed as having any reflection or expression on the merits of the dispute which shall be adjudicated by the Ld. CIT(A) independently in accordance with law.

6. In the result the appeal filed by the assessee is allowed for statistical purposes.

Orders pronounced in the open court on 26.02.2026

**Sd/-**

**(BIJAYANANDA PRUSETH)  
ACCOUNTANT MEMBER**

**Sd/-**

**(SANDEEP GOSAIN)  
JUDICIAL MEMBER**

Mumbai, Dated 26/02/2026

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / The CIT(A)
4. आयकर आयुक्त (अपील) / Concerned CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुम्बई/ DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/BY ORDER,

उप/सहायक पंजीकार ( Asst. Registrar)  
आयकर अपीलीय अधिकरण, मुम्बई / ITAT, Mumbai