

IN THE INCOME TAX APPELLATE TRIBUNAL

"DB" BENCH, NAGPUR

BEFORE SHRI PAWAN SINGH, JM &

SHRI KHETTRA MOHAN ROY, AM

ITA No. 54/Nag./2025

(Assessment Year : 2019-20)

DCIT (Exemption),
Room no. 104, 1st Floor, BSNL
Building, Near Balaji Temple,
Seminary Hills,
Nagpur-440006.

..... Appellant

v/s

**VSPM Academy of Higher
Education,**

YCMA Complex, Maharajbag Road,
Nagpur-440001.

PAN – AAATV0836H

..... Respondent

Revenue by : Shri Surjit Kumar Saha,
Sr. DR

Assessee by : Miss Mrunal Bhusari, Adv.

Date of Hearing -20/02/2026

Date of Order – 26/02/2026

ORDER

Per: Khettra Mohan Roy, AM

The present appeal by the revenue is directed against the order dated 22/11/2024, passed by the learned Commissioner of Income Tax (Appeal)/National Faceless Appeal Centre, Delhi, [for short, "*d. CIT(A)*"] under section 147 r.w.s. 144 of the Income Tax Act, 1961 (the Act) for the Assessment Year (A.Y.) 2019-20. The Revenue has raised the following grounds of appeal:

"1. On the fact and circumstances of the case and in law, the Ld. CIT(A) has erred in setting aside the assessment order back to the file of Assessing Officer without appreciating the fact that the captioned assessment order was passed by the Assessing Officer only after conducting through enquiries and verification as required by law.

2. On the fact and circumstances of the case and in law, the Ld. CIT(A) has erred in opining that the Assessing Officer has not given any opportunity to the assessee to represent its case and therefore it is a fit case for setting aside order passed by the AO for fresh assessment."

2. The tax effect in this case is only ₹. 34,58,762/-.
3. The Id. CIT-DR has submitted that instant case falls under exception clause (h) as stipulated under para-3.1 of CBDT Circular no. 5 of 2024 dated 15.03.2024.
4. The Id. AR vehemently opposed and submitted that appeal may be dismissed at the very onset.
5. The addition of ₹. 1,05,15,642/- pertains to interest paid to M/s Aneri Fincap Limited on a loan of ₹. 9,70,94,431/-. No addition has been made on account of such loan holding it to be on accommodation entry. The independent addition of interest is unsustainable.
6. In the result, the appeal of revenue is dismissed.

Order pronounced in the open Court on 26/02/2026

Sd/-
PAWAN SINGH
JUDICIAL MEMBER
Nagpur dated 26/02/2026

Sd/-
KHETTRA MOHAN ROY
ACCOUNTANT MEMBER

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Nagpur; and*
- (5) *Guard file.*

SK, SR. PS

By Order

Assistant Registrar
ITAT, Nagpur