

IN THE INCOME-TAX APPELLATE TRIBUNAL “SMC” BENCH,
MUMBAI

BEFORE SHRI SANDEEP GOSAIN, JUDICIAL MEMBER
&
SHRI PRABHASH SHANKAR, ACCOUNTANT MEMBER

ITA No. 7655/MUM/2025
(A.Y. 2023-24)

Mohd Israil Haji Mohd. Hanif Sheikh 604/2, Byramji Town, NMV Layout, Nagpur – 440 013, Maharashtra	v/s. बनाम	Deputy Commissioner of Income Tax, Central Circle 6(4) Room No. 453, 4 th Floor, Kautilya Bhavan, C-41 to C-43, G Block, Bandra Kurla Complex, Bandra (East) Mumbai – 400 051, Maharashtra
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: AFJPS3192K		
Appellant/अपीलार्थी	..	Respondent/प्रतिवादी

Assessee by :	None
Revenue by :	Shri Brajendra Kumar, (Sr. DR)

Date of Hearing	10.02.2026
Date of Pronouncement	09.03.2026

आदेश / ORDER

PER PRABHASH SHANKAR [A.M.] :-

The present appeal arising from the appellate order dated 23.10.2025 is filed by the assessee against the order passed by the Learned Commissioner of Income-tax, Appeal, CIT(A) 54, Mumbai [hereinafter referred to as “CIT(A)"] pertaining to assessment order passed u/s. 143(3) of the Income-tax Act, 1961 [hereinafter referred to as “Act”] dated 08.02.2025 for the Assessment Year [A.Y.] 2023-24.



2. The grounds of appeal are as under:-

- 1) *The order passed by Commissioner of Income Tax (Appeals)-54, Mumbai u/s 250 of IT Act 1961 is illegal, invalid and bad in law.*
- 2) *The Learned CIT(A) ought to have allowed the appeal of assessee considering the submission reproduced in the appellate order.*
- 3) *The addition made by A.O. at Rs.4,14,246/- u/s 69C of I.T. Act 1961 and upheld by CIT(A) on account of alleged computed interest on notional working is illegal, invalid and bad in law.*
- 4) *The addition made by A.O. at Rs.4,14,246/- u/s 69C of I.T. Act 1961 and upheld by CIT(A) on account of alleged computed interest on notional working is unjustified, unwarranted and excessive.*
- 5) *The learned A.O. erred in making addition at Rs.4,14,246/-u/s 69C of I.T. Act 1961 and upheld by CIT(A) in the absence of any legal evidence on record to demonstrate that assessee has paid interest.*
- 6) *In the absence of any evidence found in the course of search at the premises of assessee and lender in respect to any interest paid, addition as made by A.O. ought not to have been made and CIT(A) ought not have upheld the same.*
- 7) *The assessee denies liability to be assessed to interest under section 234A, 234B and 234C of I.T. Act 1961. Without prejudice, levy of interest under section 234A, 234B and 234C of I.T. Act 1961 is unjustified, unwarranted and excessive.*

3. Brief facts of the case are that the assessee filed the return of income declaring total income at Rs. 5,28,690/-. Subsequently, search action u/s 132 of the Act was carried out in the case of the assessee in connection with search action carried out in the case of Shri Ravi Omprakash Agrawal and related entities on 10.05.2023. Consequent to search action, assessee's case was selected for scrutiny and order



u/s.143(3) was passed assessing the total income at Rs. 11,42,936/- after making addition of Rs.4,14,246/- u/s.69C of the Act. The issue in hand is the above addition of unexplained expenditure of which was upheld by the Id.CIT(A) after due deliberation and taking into account the assessment order.

4. It may be stated here that when the case was called for hearing by the Bench, none attended. No adjournment application was also filed. In such a situation, it can be inferred that the assessee is not keen to pursue the appeal in right earnest. It is the duty of the assessee to adhere to the notices issued to it especially when such notices are issued so as to allow sufficient opportunity of hearing to the assessee to buttress its case, following the principles of natural justice. We have perused the orders of the authorities below justifying the addition made. The Id.CIT(A) has duly taken into consideration detailed submissions of the assessee before dismissing the appeal on merits. Therefore, we do not find any infirmity in the appellate which is upheld and consequently, the grounds of appeal as also the appeal of the assessee are dismissed *in limine* for non prosecution.

5. In the result, **appeal filed by the assessee is dismissed.**



Order pronounced in the open court on 09/03/2026.

Sd/-

SANDEEP GOSAIN

(न्यायिक सदस्य / JUDICIAL MEMBER)

Sd/-

PRABHASH SHANKAR

(लेखाकार सदस्य/ACCOUNTANT MEMBER)

Place: मुंबई/Mumbai

दिनांक /Date 09.03.2026

Lubhna Shaikh / Steno

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त / CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण DR, ITAT,
Mumbai
5. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//
आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण/ ITAT, Bench,
Mumbai.

