

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "A", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
And
SHRI JAGADISH, ACCOUNTANT MEMBER**

ITA No.7008/M/2025

Assessment Year: 2015-16

Labh Ventures India Private Limited, Labh Ventures India Private Limited Officer 211, 2nd Floor, Flying Clolors, Pr. Din Dayal Upadhyay Marg, LBS Cross Road, Mulund (W), Mumbai – 400 080.	Vs.	Assistant Commissioner of Income Tax, Circle 15(1)(2), Mumbai, Aayakar Bhavan, Maharshi Karve Road, New Marine Lines, Mumbai – 400020.
(Appellant)		(Respondent)

PAN: AAFL 6787 B

Present for:

Assessee by : Shri Sagar Momaya (Tax Consultant)
Revenue by : Shri Surendra Mohan (Sr. DR)

Date of Hearing : 25.02.2026

Date of Pronouncement : 25.02.2026

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal have been preferred by the Assessee against the order dated 27.08.2025, impugned herein, passed by the National Faceless Appeal Centre (NFAC)/Ld. Commissioner of Income Tax (Appeals) [in short Ld. Commissioner] u/s 250 of the Income Tax Act, 1961 [in short 'the Act'] for the A.Y. 2015-16.

2. In the instant case, though the Assessee has filed an application for adjournment, however during the course of hearing

has withdrawn the same. Thus, we deem it appropriate to decide this appeal.

3. Coming to the merits of the case, we observe that the Assessing Officer vide Assessment Order dated 17.05.2023 u/s 147 r.w.s 144B of the Act, has made the addition of Rs.2,27,96,496/- on account of disallowance and depreciation.

4. Though the Assessee challenged the aforesaid Assessment Order by filing First Appeal before the Ld. Commissioner, however despite issuing three notices, made no compliance, and therefore in the absence of relevant submissions/documents, which the Assessee admittedly failed to file, the Ld. Commissioner was constrained to decide the Appeal filed by the Assessee as ex-parte and consequently dismissed the same by affirming the aforesaid addition. As the Assessee was at default and therefore the Assessee deserves no leniency. However, considering the peculiar facts and circumstances in totality as in the absence of relevant submissions/documents, the issue involved also remained to be adjudicated in its right perspective and proper manner and therefore for just and proper decision of the case and substantial justice, we are inclined to remand the instant case to the file of the Ld. Commissioner for decision afresh, suffice to say by affording reasonable opportunity of being heard to the Assessee and subject to deposit of Rs.11,000/- in the Revenue Department under 'other heads' within 15 days from today i.e., 15.02.2026.

5. In the result, the Assessee's Appeal is allowed for Statistical purposes.

Order pronounced in the open court on 25.02.2026.

**Sd/-
(JAGADISH)
ACCOUNTANT MEMBER**

M. Ranganath Vithal
Sr. Private Secretary.

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order,

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