

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“B” BENCH, AHMEDABAD**

**BEFORE SHRI TR SENTHIL KUMAR, JUDICIAL MEMBER AND  
SHRI NARENDRA PRASAD SINHA, ACCOUNTANT MEMBER**

**ITA No. 2318/AHD/2025  
Assessment Years: 2018-19**

Jayeshkumar Kailashchandra Bhadada, Darsha Metal Corporation, 3 Gayatri Industrial Park, Nr. Amba Hotel Bridge, Chandial, Daskroi, Ahmedabad, Gujarat - 382433  <b>[PAN – AKBPB6088J]</b> (Appellant)	Vs.	Income Tax Officer, Ward – 3(3)(5), Ahmedabad - 380015  (Respondent)
Assessee by	Shri Varis Isani, AR	
Revenue by	Shri Abhijit, SR-DR	
Date of Hearing	24.03.2026	
Date of Pronouncement	26.03.2026	

**ORDER**

**PER NARENDRA PRASAD SINHA, ACCOUNTANT MEMBER:**

This appeal is filed by the assessee against the order of National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as ‘CIT(A)’] dated 26.09.2025 for the Assessment Year (A.Y.) 2018-19 in the proceeding u/s 147 r.w.s. 144 of the Income Tax Act.

2. The brief facts of the case are that the case of the assessee was reopened on the basis of information that the assessee had taken accommodation entry in the form of bogus transactions carried out with

M/s. Bright Corporation, Ahmedabad. A notice u/s. 148 of the Act, was issued on 30.03.2022 after passing order u/s. 148A(d) of the Act. No compliance was made by the assessee in the course of assessment proceeding. Therefore, the AO had completed the assessment ex-parte u/s. 147 r.w.s. 144 of the Act on 07.07.2023 at total income of Rs.59,14,810/- wherein an addition of Rs. 51,22,000/- was made in respect of undisclosed income resulting out of bogus transaction carried out with M/s. Bright Corporation.

3. Aggrieved with the order of the AO, the assessee had filed an appeal before the first appellate authority, which was decided by the learned CIT(A) vide the impugned order and the appeal of the assessee was dismissed.

4. Now the assessee is in second appeal before us. The following grounds have been taken in this appeal:

1. *The Ld. Commissioner of Income Tax (E-Appeals) (for short "Appellate Authority") has erred in law in passing the appeal order dated 26/09/2025 whereby he has confirmed order passed by the Income Tax Officer, NFAC (Assessment)-Delhi and dismissed the appeal on the grounds of limitation of the appellant. The appellate authority has dismissed the appeal without giving proper opportunity of being heard to the appellant Hence the same being against the principle of natural justice and law required to be quashed. Hence, order passed by the appellant authority deserves to be quashed and set aside.*
2. *The Lrd. Appellant Authority has erred in law in dismissing the appeal of the appellant and confirmed the order of the assessing authority with regard to additions of Rs. 51,22,000/- towards undisclosed income as a result of bogus transactions with M/s. Bright Corporation. The action of the appellant authority and the AO for passing the ex-parte best judgment assessment order is not according to law.*
3. *The opportunity to submit details in the case was not properly given and without giving a chance of personal hearing and to submit more details in support of the case, the order passed is in gross violation of principal of natural justice.*

4. *The Lrd. AO has erred in pertaining the genuine purchases of Rs. 51,22,000/- made by the appellant from M/s. Bright Corporation has not genuine and make additions towards undisclosed income. Hence, the order is not accordance of provisions of the law.*
5. *The Lrd. AO ought to have verifying the written submission and dismissing of the appeal by not considering various factual and legal grounds raised by the appellant. Hence, the order passed is highly unjustifiable and unlawful.*
6. *The Lrd. Commissioner of Income Tax (E-Appeals) has erred in law in passing the appeal order confirming the action of Income Tax Officer, NFAC(Assessment)-Delhi, whereby confirmed the addition of Rs. 51,22,000/- towards undisclosed income with M/s Bright Corporation.*
7. *The Lrd. Appellant Authority has grievously erred in law in not considering reply submitted by the appellant in right perspective and passed the order confirming with Lrd. AO by making huge addition of Rs. 51,22,000/- on accounts of undisclosed income.*
8. *The Lrd. CIT (A) erred in law and facts by confirming with Lrd. AO and passed the ex-parte best judgement assessment order without giving proper opportunity given or notice were properly served, therefore violation of natural justice.*
9. *The CIT (A) erred in law and confirming the addition of Rs.51,22,000/-i.e. genuine purchases from M/s. Bright Corporation as bogus entity on the basis of third party investigation report, without any confrontation and cross examination of such material to the appellant as required to the law*
10. *The Lrd. Appellate Authority erred in failing to appreciate that, no adverse material was ever supplied to appellant. The entire action by the Lrd. Appellate Authority is violation of principle of natural justice.*
11. *The Lrd. Assessing Authority has erred in charging interest on consequential demand raised in assessment order.*
12. *The Lrd. Assessing Authority has grievously erred in law in initiating penalty proceedings u/s. 270A(9) and 272A(1)(d) of the Income Tax Act in absence of any violation of the said provision.*
13. *The appellant craves leave to add, alter, modify, withdraw or amend any of the grounds of appeal either before or at the time of hearing of the appeal.*

5. Shri Varis Isani, the Ld. AR of the assessee submitted that Ld. CIT(A) had dismissed the appeal of the assessee on the ground that no compliance was made by the assessee in the course of appellate proceeding and without adjudicating the grounds taken by the assessee on merit. He explained that the Ld. CIT(A) had allowed opportunities and

as per the last notice dated 06.08.2025 the assessee was required to make a submission on or before 12.08.2025. The Ld. AR submitted that the assessee had uploaded its reply on the portal on 12.08.2025 with a detailed submission and the supporting documents, which was not considered by the Ld. CIT(A). He, therefore, requested that the matter may be set aside to the file of Ld. CIT(A) with a direction to consider the submissions of the assessee and thereafter decide the matter on merits.

6. Per Contra, Shri Abhijit, the Ld. Sr. DR had no objection if the matter was set aside to the file of the Ld. CIT(A).

7. We have considered the request of the assessee. It is found that the Ld. CIT(A) has referred to 4 opportunities vide notices dated 28.06.2024, 15.10.2024, 10.12.2024 and 30.06.2025 allowed to the assessee, to which no compliance was made. However, the assessee has brought on record a copy of the notice dated 06.08.2025 issued by NFAC for the pending appeal for A.Y. 2018-19 as per which the assessee was required to make compliance on or before 12.08.2025. The assessee has also brought on record a copy of acknowledgment dated 12.08.2025 as per which a written submission of the assessee was uploaded on the portal. A copy of the said detailed submission along with the enclosed documents, is part of the paper-book filed by the assessee. It transpires that the Ld. CIT(A) did not consider the written submission and the evidences filed by the assessee which was uploaded on the portal on 12.08.2025, as no reference of this submission is appearing in his order. Apparently these evidences were in the nature of fresh evidence on which remand report of the AO was also required to be called for. Since the Ld.

CIT(A) has decided the appeal of the assessee without considering the submissions of the assessee uploaded on the portal, we deem it proper to set aside the matter to the file of Ld. CIT(A) with a direction to allow another opportunity of being heard to the assessee. The assessee will be free to resubmit the evidences already filed earlier or any other evidence in support of the grounds as taken before the Ld. CIT(A). The Ld. CIT(A) is also directed to obtain a remand report of the AO on the fresh evidences filed by the assessee and thereafter adjudicate the grounds taken by the assessee, on merits.

8. In the result, the appeal of the assessee is allowed for statistical purpose.

**Order pronounced in the Court on 26/03/2026 at Ahmedabad.**

**Sd/-**  
**(TR SENTHIL KUMAR)**  
Judicial Member

**Dated – 26<sup>th</sup> March, 2026**

*Neelesh, Sr. PS*

*(True Copy)*

**Sd/-**  
**(NARENDRA PRASAD SINHA)**  
Accountant Member

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

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

आदेशानुसार/BY ORDER,  
उप/सहायक पंजीकार (Dy./Asstt.Registrar)  
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad