

IN THE INCOME TAX APPELLATE TRIBUNAL

"H(SMC)" BENCH, MUMBAI

BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER

SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No. 972/Mum./2026

(Assessment Year : 2019-20)

Mangesh Sudam Lavale,

314/107 Mahavir Chawl,

Ganpatrao Kadam Marg,

Lower Parel,

Mumbai – 400013

PAN : ADYPL4493M

..... Appellant

v/s

Income Tax Officer, Ward – 23(2)(1),

Piramal Chambers, Lalbaug,

Mumbai – 400012

..... Respondent

Assessee by : Shri Ravikant Pathak, CA

Revenue by : Shri Pravin Salunkhe, SR. DR

Date of Hearing – 18/03/2026

Date of Order – 27/03/2026

ORDER

PER SANDEEP SINGH KARHAIL, J.M.

The assessee has filed the present appeal against the impugned order dated 19/11/2025, passed under section 250 of the Income Tax Act, 1961 (*"the Act"*) by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, [*"learned CIT(A)"*], for the assessment year 2019-20.

2. In this appeal, the assessee has raised the following grounds: -

"1. On the Facts and Circumstances of the case and in law, learned lower authorities have erred in making various additions / disallowances.

2. On the Facts and Circumstances of the case and in law, learned lower authorities have erred in making addition u/s 43CA of the Act in respect of the Agreements made during the financial years 2011 and 2013.

3. On the Facts and Circumstances of the case and in law, learned lower authorities have erred in making ad-hoc disallowance of 10% of the Business Expenses which are subjected to the Tax Audit.

4. On the Facts and Circumstances of the case and in law, learned lower authorities have erred in making addition u/s 68 of the Act, in respect of the Capital Introduced in the Firm by their partners.

5. On the Facts and Circumstances of the case and in law, Hon. NFAC / CIT-Appeals erred in sending notices of hearing to the email address different from the one mentioned in the Appeal Memo F-35 and thereby erred in holding that there was no compliance from the appellants to the same."

3. We have considered the submissions of both sides and perused the material available on record. In the present case, at the outset, it is evident that the learned CIT(A) has passed the order *ex parte* due to the non-appearance of/on behalf of the assessee. Now, in the appeal before us, the assessee is duly represented by the learned AR and wishes to pursue the litigation against the addition made by the AO. During the hearing, explaining the reasons for non-compliance with the notices issued by the learned CIT(A), the learned AR placed on record the affidavit of the assessee.

4. Therefore, in view of the above, we are of the considered opinion that, in the interest of justice, the assessee be hereby granted one more opportunity to represent its case on merits before the learned CIT(A). Consequently, we deem it fit and proper to set aside the impugned order and restore the matter to the file of the learned CIT(A) for *de novo* adjudication of the appeal on merits, after considering all the details/submissions as may be filed by the assessee. Needless to mention, no order shall be passed

without affording a reasonable and adequate opportunity of hearing to the parties. Further, the assessee is directed to furnish/update its Email address in the records before the learned CIT(A) so that the hearing notice(s) are sent to the operational email address. Thus, the assessee is directed to appear before the learned CIT(A) on all dates of hearing as may be fixed without any default. Accordingly, the grounds raised by the assessee are allowed for statistical purposes.

5. In the result, the appeal by the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 27/03/2026

**Sd/-
OM PRAKASH KANT
ACCOUNTANT MEMBER**

**Sd/-
SANDEEP SINGH KARHAIL
JUDICIAL MEMBER**

MUMBAI, DATED: 27/03/2026
Prabhat

Copy of the order forwarded to:

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

By Order

Assistant Registrar
ITAT, Mumbai