

IN THE INCOME TAX APPELLATE TRIBUNAL

"E" BENCH, MUMBAI

BEFORE SHRI OM PRAKASH KANT, ACCOUNTANT MEMBER

SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No. 9472/Mum./2025

(Assessment Year : 2011-12)

Kuntal Pratik Shah

5/57, New Surya Kiran Society, B.M. Path,

Mumbai, Cumballa Hill S.O.

Mumbai - 400026

PAN : BDVPS5688D

..... Appellant

v/s

Income Tax Officer, Ward – 19(2)(2),

Piramal Chambers, Dr. SS Rao Marg, Parel,

Mumbai – 400012

..... Respondent

Assessee by : Shri Bharat Kumar

Revenue by : Shri Ritesh Misra, CIT-DR

Date of Hearing – 25/03/2026

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 27/10/2025, 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 2011-12.

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

"1. The Learned CIT(A) erred in upholding the assessment order passed under Section 144 without ensuring that the appellant was granted a fair and reasonable opportunity of being heard. Such confirmation violates the proviso to Section 144 and Section 250(6) of the Act, rendering the order void ab initio.

2. The Learned CIT(A) further erred in upholding the reassessment initiated under Section 147 despite the absence of a valid "reason to believe." The reopening was based merely on suspicion arising from cash deposits of Rs 68,13,360 /-, without any tangible material establishing that income had escaped assessment.

3. The Learned CIT(A) erred in confirming the validity of reassessment proceedings where the Assessing Officer had acted mechanically, solely on information received from the Investigation Wing, without forming an independent belief as required under Section 147 resulting in bogus LTCG of Rs 3,29,875 /-.

4. The Learned CIT(A) erred in upholding the addition made by the Assessing Officer solely on the basis of third-party investigation material without furnishing such material to the appellant for rebuttal, thereby violating the principles of natural justice and the provisions of Section 142(3) of the Act.

5. The Learned CIT(A) erred in confirming an arbitrary and non-speaking assessment order passed without proper reasoning or appreciation of the appellant's submissions, which is contrary to the mandate of Section 250(6) of the Act and established judicial precedents."

3. It is evident from the record that the learned CIT(A) has passed the impugned order *ex parte* due to the non-appearance of/on behalf of the assessee. We further find that even during the assessment proceedings, the assessee could not produce the document sought by the AO and, therefore, the assessment was completed on the best judgment basis under section 144 read with section 147 of the Act, based on the material available on record. During the hearing before us, the learned AR submitted that the assessee's husband was seriously unwell and due to his prolonged illness, the assessee could not properly coordinate with the then appearing Chartered Accountant handling her income tax matters. The learned AR further submitted that the

assessee's husband had expired on 05/08/2022, and thus, during the appellate proceedings before the learned CIT(A) proceedings could not be properly attended due to a lack of familiarity with e-proceedings and income-tax compliances. In support of the submissions, the learned AR placed on record certain documents, such as the death certificate of the assessee's husband and his medical reports. The learned AR undertook that, given an opportunity, the assessee will file all the details before the lower authorities for necessary examination.

4. Therefore, in the facts and circumstances as noted above, we are of the considered view that, in the interest of justice and fair play, the assessee be granted one more opportunity to represent its case on merits and produce all the documents in support of its claim. Since in the present appeal, the assessee has neither appeared before the AO nor before the learned CIT(A), we deem it fit and proper to restore the matter to the file of the jurisdictional AO for *de novo* adjudication on merit after considering all the details/submissions as may be filed by the assessee and after providing due opportunity of hearing to the assessee. The assessee is directed to cooperate in the assessment proceedings and furnish all the details as may be sought by the AO for complete adjudication. As a matter is being restored to the jurisdictional AO for adjudication on merits, the other grievances raised by the assessee in the present appeal do not call for adjudication at this stage. Accordingly, the impugned order is set aside, and 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