

**IN THE INCOME TAX APPELLATE TRIBUNAL**

**"F" BENCH, MUMBAI**

**BEFORE SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER**

**SHRI JAGADISH, ACCOUNTANT MEMBER**

**ITA No. 393/Mum./2026**

**(Assessment Year : 2015-16)**

**Sezal Shakti Realtors Limited,**

173/174, Sezal Encasa, SV Road,

Kandiwali (West),

Mumbai - 400067

PAN : AATCS7881H

..... Appellant

v/s

**Income Tax Officer, Ward - 13(2)(1)**

Aayakar Bhavan, Maharishi Karve Road,

New Marine Lines,

Mumbai - 400020

..... Respondent

Assessee by : Ms. Ridhisha Jain (Virtually appeared)

Revenue by : Shri Abhirama Karthikeyan, SR. DR

Date of Hearing - 02/04/2026

Date of Order - 08/04/2026

**ORDER**

**PER SANDEEP SINGH KARHAIL, J.M.**

The assessee has filed the present appeal against the impugned order dated 28/11/2025, 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 2015-16.

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

"1. On the facts & in the circumstances of the case and in law the Hon'ble CIT (A) erred innot providing an opportunity and passing an ex parte order w/s 250 of the Act and confirming the addition made by the Id. Assessing Officer and the reasons assigned for doing so are wrong and contrary to the provisions of Income Tax and rules made there under.

2. On the facts and in the circumstances of the case and in law the Hon'ble CIT(A) erred in upholding the addition of Rs.4,95,00,000/- made by the Ld. AO on account of issuance of share capital under section 68 of the Income Tax Act, 1961 and the reason assigned for doing so are wrong and contrary to the Provisions of Income Tax Act and rules madethereunder.

3. On the facts and in the circumstances of the case and in law the Hon'ble CIT(A) erred in upholding the addition of Rs.9,30,00,000/- made by the Ld. AO on account of unsecured loan under section 68 of the Income Tax Act, 1961. The reason assigned for doing so arewrong and contrary to the Provisions of Income Tax Act and rules made thereunder.

4. On the facts and in the circumstances of the case and in law the Hon'ble CIT(A) erred inupholding the disallowance made by the Ld. AO of Rs.5,65,50,763/- on account of Purchase of Gold Coin to distribute among tenants for business purpose as the same was shown under the head of Capital Work in progress and the reason assigned for doing soare wrong and contrary to the Provisions of Income Tax Act and rules made thereunder.

5. On the facts and in the circumstances of the case and in law the Hon'ble CIT(A) erred in upholding the disallowance made by Ld. AO of Rs.6,00,060/- on account of ROC charges claimed under section 37 of the Income Tax Act, 1961 and the reason assigned for doing so are wrong and contrary to the Provisions of Income Tax Act and rules made thereunder.

6. On the facts and in the circumstances of the case and in law, the Hon'ble CIT(A) has erred in upholding the disallowance made by the Ld. AO by treating an amount of Rs.32,43,979/- as revenue expenditure claimed by the appellant under section 37 of the Income Tax Act, 1961 and the reasons assigned for doing so are wrong and contrary to the provisions of the Income Tax Act and the rules made thereunder.

7. On the facts and in the circumstances of the case and in law, the Hon'ble CIT(A) erred in upholding the penalty u/s. 271(1)(c) of the IT Act and the reason assigned for doing so are wrong and contrary to the provision of Income Tax Act and rules made there under.

8. On the facts and in the circumstances of the case and in law, the Hon'ble CIT(A) erred in charging interest u/s. 234A/234B/234C/234D of the IT Act and the reason assigned for doing so are wrong and contrary to the provision of Income Tax Act and rules made there under."

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. We further find that the learned CIT(A) merely on the basis of non-compliance with notices, dismissed the appeal filed by the assessee without adjudicating the grounds raised by the assessee on merits, as required under section 250(6) of the Act. In CIT v/s Premkumar Arjundas Luthra (HUF), reported in [2016] 69 taxmann.com 407 (Bombay), the Hon'ble Jurisdictional High Court held that the Commissioner (Appeals) cannot dismiss the appeal on account of non-prosecution of the appeal by the assessee. 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. We further direct that no order shall be passed without affording reasonable opportunity of hearing to the parties. The assessee is directed to appear before the learned CIT(A) on all the hearing dates as may be fixed without any default, and also submit the operational email address of the assessee to the learned CIT(A). As the matter is being restored to the file of the learned CIT(A) 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 grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced in the open Court on 08/04/2026

**Sd/-  
JAGADISH  
ACCOUNTANT MEMBER**

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

**MUMBAI, DATED: 08/04/2026**  
*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