

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'B' BENCH
MUMBAI**

**BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.5672/Mum/2025
(Assessment Year : 2013-14)**

Bobby Yogendra Sharma 102, Giriraj Heights Plot No.5, Sector 18 Khargar, Navi Mumbai- 410 210	Vs.	Additional / Joint / Deputy / Assistant Commissioner of Income Tax / Income Tax Officer, National Faceless Assessment Centre, Delhi
PAN/GIR No.CNYP2314G		
(Appellant)	..	(Respondent)

Assessee by	Shri Kishor Patel
Revenue by	Shri Vaibhav Jain, CIT DR
Date of Hearing	13/11/2025
Date of Pronouncement	18/11/2025

आदेश / O R D E R

PER AMIT SHUKLA (J.M):

This appeal has been filed by the assessee against the order dated 04 August 2023 passed by the National Faceless Appeal Centre, Delhi, arising from the assessment framed under section 147 read with section 144 for the Assessment Year 2013-14. The addition in question has been made with reference to certain entries reflected in the Annual Information Return system. The principal grievance of the assessee is that the underlying material forming the basis of

those entries was never furnished to him, despite repeated requests.

2. The Assessing Officer noted a series of transactions reported in the AIR database in the name of the assessee and treated the entire aggregate amount as undisclosed income. The details, as recorded in the assessment order, are as under:

Nature of Transaction	Amount (Rs.)
Agreement entered with builder or co operative society for property	7,11,281
Cash deposits aggregating two lakh rupees or more with a banking company	4,50,000
Contract of ten lakh rupees or more in the commodities exchange	3,52,97,997
Purchase of equity shares in a recognised stock exchange	4,17,22,538
Sale of equity shares settled by actual delivery in a recognised stock exchange	4,27,12,282
Total	12,08,94,098

3. The assessee, however, has explained that he was unable to respond meaningfully to the notices as the specific AIR particulars were never made available to him. The paper

book placed before us contains several communications addressed to the Department, wherein the assessee had requested copies of the AIR information, including transaction wise details and the identity of the reporting source. Those communications indicate that the assessee was making genuine attempts to obtain the material necessary for preparing a proper reply. It has also been pointed out that the Form 26AS does not reflect any such AIR entries. Nevertheless, in the absence of a response from the Department, both the assessment and the appellate proceedings culminated in ex parte orders.

4. We have considered the material on record and the circumstances in which the assessment came to be framed. It appears that the additions have been made solely on the basis of the AIR reporting, without the primary information ever having been shared with the assessee. When the foundation of an addition lies in third party data, it is important that the assessee is provided the underlying details so that he may submit a proper and informed explanation. In the present case, the absence of such information has clearly impaired the assessee's ability to respond. In our view, it would therefore not be fair to sustain the addition without first giving the assessee an opportunity to examine the material and offer his explanation.

5. In the interest of justice, we deem it appropriate to set aside the matter to the file of the Assessing Officer. The Assessing Officer shall provide the assessee with complete particulars of each AIR entry and thereafter call for a detailed

response. The assessee, on his part, shall cooperate in the proceedings and submit all relevant material. The Assessing Officer shall thereafter re examine the matter and pass a fresh order in accordance with law after granting adequate opportunity of hearing.

6. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced on 18th November, 2025.

Sd/-
(GIRISH AGRAWAL)
ACCOUNTANT MEMBER
Mumbai; Dated 18/11/2025
KARUNA, *sr.ps*

Sd/-
(AMIT SHUKLA)
JUDICIAL MEMBER

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai