IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.976 OF 2024

Pr. Commissioner of Income Tax – Central – 4 ...Appellant
Vs.
Nirav Sunil Gandhi ...Respondent

Mr. Suresh Kumar, for Appellant.

Mr. Joachim Saldanha, a/w Morvi Chaturvedi i/b. Nishith Desai, Associates for Respondent.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.

DATED : 19 November 2025

P.C.:-

1. Heard Mr Suresh Kumar, learned counsel for the Appellant and Mr. Joachim Saldanha, learned counsel for the Respondent.

2. The tax effect in this Appeal is Rs.42,57,304/-. However, Mr. Suresh Kumar submits that the Appeal would fall within the exceptions carved out in CBDT Circulars referred to any paragraph 22 of the Appeal Memo.

3. Without going into the validity of the above submission, we have heard the learned counsel on the merits of the matter.

4. Mr. Suresh Kumar urges the formulation of the following questions:-

> *"Considering the facts and circumstances of the case, whether the Hon'ble Tribunal erred in quashing the assessment on protective basis?"*

5. On hearing the learned counsel for the parties and perusing the record, we find that the ITAT has recorded a categorical finding of fact that the Respondent – Assessee was a non-resident and therefore, was not liable to offer any explanation in respect of the transactions in the HSBC Bank, Geneva to the Indian Tax Authorities. On this ground, the ITAT, upheld the order of the Commissioner (Appeals), which had deleted the additions made.

6. The finding of fact recorded by the Commissioner (Appeals) and the ITAT suffer from no perversity. Therefore, the question proposed by Mr. Suresh Kumar can hardly styled as substantial question of law warranting admission of this Appeal.

7. This Appeal is therefore dismissed on the ground that it does not involve any substantial question of law. No costs.

(Advait M. Sethna, J) **(M.S. Sonak, J.)**