

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "A", MUMBAI**

**BEFORE SHRI SHRI CN PRASAD, JUDICIAL MEMBER AND
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

ITA NO. 2196/MUM/2011 : (A.Y : 2007-08)

DCIT RG 4(1)
Mumbai (Appellant)

Vs. Aman Infratex Ltd
10 Oval Wadi, Kalabadevi Road
Mumbai 400 002
PAN : AACCA9711H (Respondent)

Appellant by : Shri Rajesh Kumar Yadav
Respondent by : Shri RC Jain

Date of Hearing : 15/12/2016
Date of Pronouncement : 15/12/2016

ORDER

PER CN PRASAD, JM :

The appeal filed by the revenue is directed against the order dated 03.12.2010, passed by the DCIT Range 4(1), Mumbai, for the assessment year 2007-08.

2. At the outset, we have noticed that the tax effect in the appeal of the revenue is below Rs.10 lakhs as the disallowance made u/s 40(a)(ia) of Rs.32,66,300/- was to the book profits determined u/s 115JB which is liable for tax at the rate of 10%. Therefore, the same is not maintainable as per the CBDT Circular No.21/2015, dated 10th December, 2015. We found that as per the recent Circular No.21/2015, dated 10th December, 2015, issued by the CBDT, the monetary limit has been revised for filing of appeal before ITAT by the revenue fixing the tax effect limit of Rs.10 lakhs. In the instant case,

the tax effect is below Rs.10 lakhs, therefore the same is not maintainable and liable to be dismissed in limine. This Circular is retrospective and applicable to the pending appeals also.

3. Considering the above CBDT Circular, we found that this appeal of the revenue is not maintainable as the tax effect in this appeal is below Rs.10 lakhs. Accordingly, we dismiss the appeal of the revenue.

4. In the result, appeal of revenue is dismissed.

Order has been pronounced in the Open Court on 15.12.2016.

Sd/-
MANOJ KUMAR AGGARWAL
लेखा सदस्य /
ACCOUNTANT MEMBER

Sd/-
C.N.PRASAD
न्यायिक सदस्य /
JUDICIAL MEMBER

Mumbai, Date : 15th December, 2016

LR, SPS

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT(A) concerned
- 4) The CIT concerned
- 5) The D.R, "I" Bench, Mumbai
- 6) Guard file

By Order

Dy./Asstt. Registrar
I.T.A.T, Mumbai