

आयकर अपीलीय अधिकरण, मुंबई न्यायपीठ, ए.मुंबई ।

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

श्री जी.एस. पन्नू, लेखा सदस्य एवं

श्री जोगिन्दर सिंह, न्यायिक सदस्य, के समक्ष

**Before, Shri G.S. Pannu, Accountant Member and
Shri Joginder Singh, Judicial Member**

**ITA NO.1029/Mum/2014
Assessment Year:2010-11**

DCIT, Circle-3(1), Room No.607, 6 th floor, Aaykar Bahvan, Mumbai-400020	बनाम/ Vs.	M/s Axis Capital Ltd. 8 th floor, Axis House, Bombay Dyeing Mills Compound, P.G. Marg, Worli Mumbai-400019
(राजस्व /Revenue)		(निर्धारिती /Assessee)
PAN. No.AAACU8367M		

राजस्व की ओर से / Revenue by	Shri Aarsi Prasad
निर्धारिती की ओर से / Assessee by	Shri P. P. Bhandan

सुनवाई की तारीख / Date of Hearing :	10/02/2016
आदेश की तारीख /Date of Order:	10/02/2016

आदेश / O R D E R

Per Joginder Singh (Judicial Member)

The Revenue is aggrieved by the impugned order dated 27/12/2013, of the 1d. First Appellate Authority, Mumbai.

2. During hearing of this appeal, the ld. counsel for the assessee, Shri P. P. Bhandan, at the outset, brought to our notice that the tax effect in the present appeal is below prescribed monetary limit. This factual matrix was not controverted by the ld. DR, Shri G.N. Makwana.

2.1. We have considered the rival submissions and perused the material available on record. It is noted that the addition made in the present appeal is Rs.12,86,854/-, which is below prescribed limit of Rs.10 lakh for filing the appeal before the Tribunal.

2.2. In view of the fact, that the tax effect in the appeal is below prescribed monetary limit, as contained in CBDT instruction No.21 of 2015, dated 10/12/2015 (F No.279/Misc./142/2007-IT(PT), with retrospective effect, wherein, the Department was advised/directed by the Board not to file appeal in the cases where the tax effect does not exceed the following monetary limit.:-

Sl. No.	Appeals in Income –tax matters	Monetary Limit (in Rs.)
1.	Before ITAT	10,00,000/-
2.	U/s 260 A before Hon'ble High Court	20,00,000/-
3.	Before Hon'ble Supreme Court	25,00,000/-

As per the aforesaid instruction/revised monetary limit, the Department is not to file appeal before the Tribunal, wherein, the tax effect is less than Rs.10,00,000/-,

consequently, the appeal of the Revenue is not maintainable. Therefore, in view of uncontroverted contention of the ld. DR and the aforementioned Circular no. 21 of 2015, dated 10/12/2015 (F No.279/Misc./142/2007-IT(PT), of CBDT, the appeal of the Revenue is dismissed as not maintainable.

Finally, the appeal of the Revenue is dismissed as not maintainable.

This Order was pronounced in the open court in the presence of ld. representative from both sides at the conclusion of the hearing on 10/02/2016.

Sd/-

(G.S. Pannu)

लेखा सदस्य / ACCOUNTANT MEMBER

Sd/-

(Joginder Singh)

न्यायिक सदस्य / JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated : 10/02/2016

Shekhar, P.S. नि.स.

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT, Mumbai.
4. आयकर आयुक्त / CIT(A)- , Mumbai
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai