

IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH, MUMBAI
BEFORE SHRI AMIT SHUKLA, JM AND SHRI RAJESH KUMAR, AM

आयकर अपील सं./I.T.A. No.8288 /Mum/2011
(निर्धारण वर्ष / Assessment Year: 2007-08)

Jt. C.I.T., 8(2)(OSD),Mumbai R.No.209, Aayakar Bhavan, M.K. Road, Mumbai-400 020.	बनाम/ Vs.	M/s. Periwinkle Fashions Pvt Ltd 401/B, Elegant Business Park, MIDC Cross Road, Andheri(E), Mumbai-400 093.
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. AADCP 3365M		
(अपीलार्थी /Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओर से / Appellant by	:	Shri Rajesh Ojha
प्रत्यर्थी की ओर से/Respondent by	:	Shri Vipul Joshi

सुनवाई की तारीख / Date of Hearing	:	13/01/2016
घोषणा की तारीख / Date of Pronouncement	:	29/01/2016

आदेश / ORDER

PER RAJESH KUMAR, A. M.:

This appeal by the revenue is directed against the order dated 29.09.2011 of Commissioner of Income Tax (Appeals)-17, Mumbai (hereinafter called as the CIT(A)) for assessment year 2007-08. The revenue has raised following grounds of appeal:

1. *“On the facts and in the circumstances of the case and in law, whether the Ld. CIT(A) has erred in deleting the disallowance of Rs.20,13,744/- u/s.14A of the Act r.w.r 8D without appreciating that in the case of M/s. Godrej and Boyce Manufacturing Co. Ltd Vs DCIT(328 ITR 81) (Supra, their Lordhsip had upheld the contentions of the Union of India that Rule8D is reasonable in its nature.”*
2. At the outset the ld. AR of the assessee pointed out that the tax effect in this appeal is below Rs.10.00 lakhs and further submitted that in view of the **CBDT Circular No.21/2015, dated 10.12.2015** brought out by the Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, the appeal was not maintainable and be dismissed. The ld. DR also agreed to the submission of the ld. AR.
3. We have heard the rival submissions and perused the material on record. We find from the records before us that the tax involved in the disputed issue is below Rs.10 Lacs and therefore, in view of the circular no 21/2015 dated 10th December, 2015 no appeals should be filed by the Revenue before the Tribunal which has tax effect of Rs. 10.00 lacs or less and this circular is also applicable retrospectively to all pending appeals.

The relevant extract the said CBDT Circular (Supra) is as under:-

“This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts/Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed. Appeals before the Supreme Court will be governed by the instructions on this subject, operative at the time when such appeal was filed.”

4. Considering the above, the appeal filed by the Revenue, is therefore dismissed.

In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open court on 29th January, 2016

Sd/-
(Amit Shukla)

न्यायिक सदस्य / Judicial Member

Sd/-
(Rajesh Kumar)

लेखा सदस्य / Accountant Member

मुंबई Mumbai; दिनांक Dated :29.01.2016

Ps. Ashwini

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

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

आदेशानुसार/ BY ORDER,

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