



ITA No.3868/M/2014
Sonic Biochem Extractions Limited
Assessment Year: 2010-11

आयकर अपीलीय अधिकरण “ई” न्यायपीठ मुंबई में।

**IN THE INCOME TAX APPELLATE TRIBUNAL
“E” BENCH, MUMBAI**

श्री शक्तिजीत दे, न्यायिक सदस्य एवं
श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।

**BEFORE SHRI SAKTIJIT DEY, JM AND
SHRI MANOJ KUMAR AGGARWAL, AM**

आयकर अपील सं. /I.T.A. No.3868/Mum/2014
(निर्धारण वर्ष / Assessment Year: 2010-11)

Deputy Commissioner of Income 7(2) Room No. 624 M.K.Road Mumbai 400 020	बनाम/ Vs.	Sonic Biochem Extractions Ltd. 7/A Vimal Udyog Bhawan 3 rd Floor, Opp. Star Cinema Shivaji Park Matunga (W) Mumbai- 400 016
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. AABCS-5326-B		
(<input type="checkbox"/> पीलार्थी /Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Hitesh Chimnani, Ld AR
Revenue by	:	Dr. A.K.Nayak, Ld. DR

सुनवाई की तारीख / Date of Hearing	:	27/04/2017
घोषणा की तारीख / Date of Pronouncement	:	27 /04/2017



आदेश / ORDER

Per Manoj Kumar Aggarwal (Accountant Member)

1. The captioned appeal by Revenue for Assessment Year [AY] 2010-11 assails the order of Ld. Commissioner of Income Tax (Appeals)-13, [CIT(A)], Mumbai dated 18/03/2014 *qua* certain relief provided to the assessee against various disallowances made by the Assessing Officer [AO].
2. Briefly stated, the assessee, being resident corporate assessee, was subjected to an assessment u/s 143(3) vide Assessing Officer [AO] order dated 03/01/2013 wherein the total income of the assessee was determined at Rs.4,44,43,520/- after certain adjustments/disallowances as against returned income of Rs.4,05,78,550/- filed by the assessee on 20/09/2010. The assessee was engaged in the business of *manufacturing of soya flour, chunks and lecithin etc.* The assessee suffered, *inter-alia*, disallowance u/s 40(a)(ia) for Rs.14,62,312/-, disallowance against *shortage-in-transit* for Rs.7 Lacs & disallowance of Rs.5,63,244/- on account of reconciliation of TDS credit. All these additions were contested with partial success before Ld. CIT(A) vide order dated 18/03/2014 wherein the Ld. CIT(A) after considering the various contentions deleted 40(a)(ia) disallowance, TDS reconciliation disallowance of Rs.5,63,244/- and restricted the *ad hoc* disallowance against *shortage- in-transit* expenses to Rs. 2.50 Lacs. Aggrieved by the relief provided by Ld. CIT(A), the revenue is in appeal before us.
3. At the outset, it has been brought to our notice that the appeal, being revenue's appeal, is covered by the Low Tax Effect circular issued by the CBDT. As per calculations, it is seen that the tax effect of amount in dispute in the appeal is below Rs.10 Lacs and hence the same is covered by latest CBDT Circular number 21 of 2015 dated 10/12/2015. As per this circular, new guidelines of monetary limit for filing of appeals by the Department has been issued, whereby the tax effect for filing of appeal before the ITAT has been prescribed at minimum of Rs. 10 lakhs. In the said Circular, it has been specifically clarified that the said instruction will apply retrospectively to all the



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pending appeals. The Ld. DR fairly conceded the position and could not point out any exceptions as given in the circular. Accordingly, the appeal filed by the revenue is not maintainable and therefore, dismissed *in limine*.

4. In Nutshell, the appeal of the revenue stands dismissed.

Order pronounced in the open court on 27th April, 2017.

Sd/-

(Saktijit Dey)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 27.04.2017

Sr.PS:- Thirumalesh

आदेश की प्रतिलिपि □ ग्रेषित / 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