

**IN THE INCOME TAX APPELLATE TRIBUNAL “H” BENCH, MUMBAI**  
**BEFORE SHRI R .C. SHARMA, AM AND SHRI SANDEEP GOSAIN, JM**

आयकर अपील सं./I.T.A. No. 6835/Mum/2014  
(निर्धारण वर्ष / Assessment Year: 2010-11)

DCIT 10(1) 453, Aayakar Bhavan, 4 <sup>th</sup> floor, M. K. Marg, Mumbai-400 020	<b>बनाम/</b> Vs.	Kshitij Invst. Advisory Co. Ltd. Now as Capital First Investment Pvt. Ltd. Tower II, 15 <sup>th</sup> floor, India Bulls Finance Centre, Elphinstone, Mumbai-400013
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. AADCP4737B		
(अपीलार्थी / <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थी की ओर से / <b>Appellant by</b>	:	Shri M. C. Omi Ningshen, DR
प्रत्यर्थी की ओर से/ <b>Respondent by</b>	:	Shri Dinkle Hariya, AR

सुनवाई की तारीख / <b>Date of Hearing</b>	:	18/04/2018
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	18/04/2018

आदेश / ORDER

**Per Sandeep Gosain, Judicial Member:**

This present appeal filed by the revenue is directed against the order dated 01.08.14 of Commissioner of Income Tax (Appeals)-21, Mumbai (hereinafter called as the CIT(A) ) for assessment year 2010-11.

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. Our attention was drawn by the Ld. AR towards

the chart containing particulars of the total tax impact. The tax computation on the same as per V. G. Mehta's Income Tax Ready Reckoner for AY 2009-10 is Rs. 9,88,194.44/- i.e. less than 10 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. Although Ld. DR has not disputed the chart containing the particulars of total tax impact filed by the assessee and further we also 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 10<sup>th</sup> 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 18<sup>th</sup> April, 2018.*

Sd/-

(R. C. Sharma)

लेखा सदस्य / Accountant Member

मुंबई Mumbai; दिनांक Dated : 18.04.2018

Sr. PS Dhannajay

Sd/-

(Sandeep Gosain)

न्यायिक सदस्य / Judicial Member

**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.**