

**IN THE INCOME TAX APPELLATE TRIBUNAL
"L" Bench, Mumbai**

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

ITA No. 5883/Mum/2017
(Assessment Year: 2009-10)

Income Tax Officer-26(2)(1)
Room No. 709, 7th Floor
Pratyakshkar Bhavan
BKC, Bandra (E)
Mumbai 400051

Smt. Kavita Ramesh Hule
Prof. Of RMC Laboratories
D-304, Sunshrusti, Sakivihar
Road, Andheri (E)
Mumbai 400072

PAN – ABPPH4244K

Appellant

Respondent

Appellant by: Shri Himanshu Sharma
Respondent by: None

Date of Hearing: 10.08.2018
Date of Pronouncement: 10.08.2018

ORDER

Per G.S. Pannu, AM

The captioned appeal filed by the Revenue pertaining to A.Y. 2009-10 is directed against the order passed by the CIT(A)-38, Mumbai dated 23.06.2017 which in turn arises out of an order passed by the Assessing Officer under Section 143(3) r.w.s. 147 of the Income Tax Act, 1961 dated 15.01.2016.

2. The CBDT, vide Circular No. 3/2018 dated 11.07.2018, has revised the monetary limit for filing of appeals by the Department before the Tribunal with retrospective effect. The tax effect in dispute in the captioned appeal is stated to be below the monetary limit of ₹20 lakhs specified in the CBDT Circular dated 11.07.2018 (supra).

3. In this background, the learned D.R. appearing for the Revenue was required to state his position; he has not referred to any material which would show that the captioned appeal is protected by any of the exceptions provided in para 10 of the CBDT circular (supra).

4. Without going into the merit of the issue raised, the captioned appeal is deemed to be withdrawn/not pressed as it's filing is not in consonance with the CBDT circular dated 11.07.2018 (supra). Before parting we may clarify that if on a later date, the Revenue finds that filing of the appeal is protected by the exceptions provided in para 10 of the CBDT circular (supra), it shall be at liberty to approach the Tribunal for recall of the order and reinstatement of the appeal for adjudication on merits. The Tribunal shall consider such application, if any, as per the extant law.

5. In conclusion, by applying the CBDT circular dated 11.07.2018 (supra), the captioned appeal of the Revenue is dismissed as withdrawn/not pressed.

Above decision was pronounced in the open court at the conclusion of hearing on 10th August, 2018.

Sd/-
(Pawan Singh)
Judicial Member

Sd/-
(G.S. Pannu)
Accountant Member

Mumbai, Dated: 10th August, 2018

Copy to:

1. *The Appellant*
2. *The Respondent*
3. *The CIT(A) -38, Mumbai*
4. *The CIT-26, Mumbai*
5. *The DR, "L" Bench, ITAT, Mumbai*

By Order

//True Copy//

Assistant Registrar
ITAT, Mumbai Benches, Mumbai

n.p.