

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC", MUMBAI
BEFORE SHRI G.S.PANNU, ACCOUNTANT MEMBER
AND
SHRI PAWAN SINGH, JUDICIAL MEMBER
ITA No.827/Mum/2018, (A.Y. 2012-13)

JT.CIT(OSD)-CC-2(3),
Aaykar Bhavan, M.K.Road,
Mumbai 400 020

..... Appellant

Vs.

M/s. Ascent Construction Pvt. Ltd.
Gr.Floor, Acme Ghar, 19, M.K.Road,
Vile Parle(W), Mumbai 400 057
PAN: AAACA8729M

..... Respondent

Appellant by : Shri S.K.Bepari
Respondent by : Shri Ravikant Pathak

Date of hearing : 08/08/2018
Date of pronouncement : 08/08/2018

ORDER

PER G.S.PANNU,A.M:

The captioned appeal filed by the Revenue pertaining to assessment year 2012-13 is directed against an order passed by CIT(A)-48, Mumbai dated 08/11/2017, which in turn arises out of an order passed by the Assessing Officer under section 143(3) of the Income Tax Act, 1961 (in short 'the Act') dated 27/03/2015.

2. The CBDT vide Circular No. 3/2018 dated 11.07.2018 has revised the monetary limits 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 Rs.20.00 lacs specified in the CBDT Circular dated 11.07.2018 (supra).

3. In this background, the Ld. Departmental Representative 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 circular (supra).

4. Without going into the merit of the issues raised in the captioned appeal, this appeal is deemed to be withdrawn/not pressed as it's filing is not in consonance with the CBDT Circular dated 11.07.2018 (supra).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 clarify here that if on a later date requisite material is brought to show that the appeal is protected by any of the exceptions prescribed in para 10 of the Circular (supra), then the Revenue shall be at liberty to approach the Tribunal for re-institution of appeal. The Tribunal shall consider such application in accordance with 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conclusion, by applying the CBDT Circular dated 11.07.2018 (supra), the captioned appeal of the Revenue is dismissed as withdrawn/not pressed.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 in the presence of both the parties at the conclusion of hearing on 08/08/2018.

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

Sd/-
(G.S. PANNU)
ACCOUNTANT MEMBER

Mumbai, Dated 08/08/2018
Vm, Sr. PS

Copy of the Order forwarded to :

1. The Appellant ,
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai