

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "A", MUMBAI
BEFORE SHRI G.S.PANNU, ACCOUNTANT MEMBER
AND
SHRI RAM LAL NEGI, JUDICIAL MEMBER

ITA No.3723/Mum/2013, (A.Y. 2009-10)
ITA No.3725/Mum/2013, (A.Y. 2008-09)

The DCIT 6(2),
Aaykar Bhavan, M.K.Road,
Mumbai 400 020

..... Appellant

Vs.

M/s. Krystal Colloids Pvt. Ltd.
119,Purusharth Building,
Nawroji Hill Road No.2,
Dongri, Mumbai – 09.
PAN: AACCK 5409J

..... Respondent

Appellant by : Shri Himanshu Sharma
Respondent by : S/ Shri Vijay Mehta/Govind Zaveri

Date of hearing : 10/08/2018
Date of pronouncement : 10/08/2018

ORDER

PER G.S.PANNU,A.M:

The captioned appeals filed by the Revenue pertaining to assessment years 2009-10 and 2008-09 are directed against separate orders passed by CIT(A)-12, Mumbai dated 28/02/2013, which in turn arise out of orders passed by the Assessing Officer under section 143(3) of the Income Tax Act, 1961 (in short 'the Act') dated 13/12/2011 and 31/12/2010 respectively.

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 appeals are 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 appeals are 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 Without going into the merit of the issues raised in the captioned appeals, they are deemed to be withdrawn/not pressed as their filing is not in consonance with the CBDT Circular dated 11.07.2018 (supra).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 appeals are 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 appeals. 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by applying the CBDT Circular dated 11.07.2018 (supra), the captioned appeals of the Revenue are dismissed as withdrawn/not pressed.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 10/08/2018.

Sd/-
(RAM LAL NEGI)
JUDICIAL MEMBER

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

Mumbai, Dated 10/08/2018

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