



**IN THE INCOME TAX APPELLATE TRIBUNAL "D", BENCH MUMBAI
BEFORE SHRI R.C.SHARMA, AM
&
SHRI SANDEEP GOSAIN, JM**

**ITA No.6216/Mum/2017
(Assessment Year :2010-11)**

Income Tax Officer – 9(1)(4), Mumbai Room No.260A, 2 nd Floor Aayakar Bhavan M.K.Road, Mumbai- 400 020	Vs.	M/s. Automatic Tiles & Marbles Industries Pvt. Ltd., Plot No.13-14, Survey No.79 Mittal Industrial Estate Opp. J.B. Nagar, Andheri-Kurla Road Andheri (E), Mumbai – 400 059
PAN/GIR No.		AAACA4551H
Appellant)	..	Respondent)

Revenue by	Shri Chaitanya Anjaria
Assessee by	None
Date of Hearing	10/08/2018
Date of Pronouncement	31/08/2018

आदेश / O R D E R

PER R.C. SHARMA (A.M):

This is an appeal filed by the Revenue against the order of CIT(A)-16, Mumbai dated 24/07/2017 for A.Y.2010-11 in the matter of order passed u/s. 143(3)r.w.s. 147 of the Income Tax Act, 1961.

2. We have heard Id. Departmental Representative and perused the materials available on the record in respect of the above appeal. It is

observed that the demand/tax effect in the Revenue appeal is not exceeding Rs. 20 lakhs. Under the power vested by sec. 268A(1) of the I T. Act, CBDT has recently issued Circular No. 3/2018 dated 11.07.2018 instructing the authorities below that departmental appeal should not be filed before 1TAT where the demand/tax effect does not exceed Rs. 20 lakhs. The circular specifically mentions that the instructions are applicable to all pending appeals also.

6. Subject to some exceptions, it is further directed by CBDT that all the departmental appeals pending before ITAT where the demand/tax effect is less than 20 lakhs should be either withdrawn or not pressed by the Departmental representative.

7. The present appeal is not covered by any exceptions mentioned in the said CBDT circular. Since the tax demand in dispute in this departmental appeal does not exceed the limit of Rs. 20 lakhs as set out by CBDT, such appeal is not maintainable in view of fore goings. Accordingly the appeal of the Department is dismissed as not pressed/withdrawn and hence infructuous.

8. In the result, the appeal of revenue is dismissed.

Order pronounced in the open court on this 31/08/2018

**Sd/-
(SANDEEP GOSAIN)
JUDICIAL MEMBER**

**Sd/-
(R.C.SHARMA)
ACCOUNTANT MEMBER**

Mumbai; Dated 31/08/2018
Karuna Sr.PS

Copy of the Order forwarded to :

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

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai