



आयकर अपीलीय अधिकरण “जे” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“J” BENCH, MUMBAI

जोगिन्दर सिंह, न्यायिक सदस्य एवं
श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।

BEFORE SHRI JOGINDER SINGH, JM AND
SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./I.T.A. No. 2332/Mum/2017
(निर्धारणवर्ष / Assessment Year: 2008-09)

Assistant Commissioner of Income Tax – 1(2)-1 Room No. 535, 5 th Floor Aaykar Bhawan M.K.Road, Mymbai – 400 020	बनाम/ Vs.	John Flower Ocular Lenses P. Ltd. 19, Raj Mahal 84, Veer Nariman Road Mumbai 0 400 020
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. AAACK-2005-J		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Harshal Agrawal, Ld.AR
Revenue by	:	V.K. Chaturvedi, Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	16/08/2018
घोषणा की तारीख / Date of Pronouncement	:	07/09/2018

आदेश / O R D E R

Per Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by revenue for Assessment Year [AY] 2008-09 contest the order of the Ld. Commissioner of Income-Tax (Appeal)-2 [CIT(A)], Mumbai, *Appeal No.CIT(A)-20/IT-219/2014-15* dated 26/12/2016 *qua* certain relief provided to the assessee for Rs.35.12 Lacs.
2. The Ld. Authorized Representative for assessee [AR], at the outset, drew our attention to the fact that the tax effect of the quantum



additions as contested by the revenue is less than threshold limit of Rs.20 Lacs and the same is covered by recently issued *low tax effect* Circular No.03/2018 dated 11/07/2018 issued by *Central Board of Direct Taxes [CBDT]*. The Ld. DR, *Shri V.K.Chaturvedi*, has controverted the same by submitting that necessary instructions / certificate, in this regard, would be required from higher authorities.

3. We have gone through the circular and find that the tax effect of quantum in dispute is below prescribed limit of Rs.20 Lacs and the assessee stood benefitted by the above circular issued by CBDT wherein the minimum monetary limit for filing the appeals before various appellate authorities have been fixed as under:-

S. No.	Appeals/ SLPs in Income-tax matters	Monetary Limit (Rs.)
1	<i>Before Appellate Tribunal</i>	<i>20.00,000</i>
2	<i>Before High Court</i>	<i>50.00,000</i>
3	<i>Before Supreme Court</i>	<i>1,00.00,000</i>

The aforesaid limits, as per *para 13* of the circular applies to pending appeals also. In view of the admitted position, we dismiss the revenue's appeal.

4. So far as the contentions raised by Ld. DR is concerned, we find that aforesaid circular does not envisage obtaining of any certificate from any authorities, in any manner. Nevertheless, the revenue is free to move appropriate application to recall this order, if at a later stage, it is found that the matter is covered by any exceptions provided in the aforesaid circular or in case the tax effect of the quantum additions as agitated by revenue exceeds the prescribed monetary limit.

5. Resultantly, the appeal stand dismissed.



Order pronounced in the open court on 07th September, 2018

Sd/-
(Joginder Singh)
न्यायिकसदस्य / **Judicial Member**

Sd/-
(Manoj Kumar Aggarwal)
लेखासदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 07.09.2018
Sr.PS:-Thirumalesh

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT- concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायकपंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai