

आयकर अपीलीय अधिकरण, 'एक-सदस्य' न्यायपीठ, मुंबई।

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCHES "SMC", MUMBAI**

**श्री जोगिन्दर सिंह, न्यायिक सदस्य, के समक्ष
Before Shri Joginder Singh, Judicial Member,**

**ITA No.1720/Mum/2018
Assessment Year:2009-10**

DCIT, Central Circle-6(1), R. No.1905, 19 th Floor, Air India Building, Nariman Point, Mumbai-400021	बनाम/ Vs.	M/s. Ashar Realty Pvt. Ltd. Ground Floor, Ashar IT park, Road No.16Z, Wagle Industrial Estate, Thane(W), Mumbai-400604
राजस्व / Revenue		निर्धारिती / Assessee
P.A. No.AAGCA1336C		

राजस्व की ओर से / Revenue by	Shri S.K. Bepari-DR
निर्धारिती की ओर से / Assessee by	Shri Rahul Hakani

सुनवाई की तारीख / Date of Hearing	11/10/2018
आदेश की तारीख /Date of Order:	11/10/2018

आदेश / O R D E R

The Revenue is aggrieved by the impugned order dated 18/12/2017 of the Ld. First Appellate Authority, Mumbai, deleting the addition of Rs.38 lakhs on account of loan

without appreciating that the partner of the assessee firm admitted that the loans were accommodation entries.

2. During hearing of this appeal, at the outset, Shri Rahul Hakani, ld. counsel for the assessee, pointed out that the tax effect in the present appeal is below prescribed monetary limit of Rs.20 lakh. The ld. DR, Shri S. K. Bepari, did not controvert the factual matrix.

2.1. I have considered the rival submissions and perused the material available on record. In view of the above, it is noted that the tax effect in the present appeal is below prescribed limit of Rs.20 lakh, vide instruction/Circular No.3 of 2018, issued by CBDT (F No.279/Misc./142/ 2007-ITJ(PT) dated 11/07/2018. As per the circular, wherein, the Department was advised/directed by the Board not to file appeal in the cases where the tax effect does not exceed the following monetary limit.:-

Sl. No.	Appeals in Income –tax matters	Monetary Limit (in Rs.)
1.	Before ITAT	20,00,000/-
2.	U/s 260 A before Hon'ble High Court	50,00,000/-
3.	Before Hon'ble Supreme Court	1,00,00,000/-

In view of the above instruction, since, the tax effect is less than Rs.20,00,000/- (not controverted by Ld. DR also), consequently, the appeal of the Revenue is not maintainable, therefore, dismissed.

Finally, the appeal of the Revenue is dismissed.

This Order was pronounced in the open court in the presence of ld. representatives from both sides at the conclusion of the hearing on 11/10/2018.

Sd/-

(Joginder Singh)

न्यायिक सदस्य / JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated : 11/10/2018

Shekhar, P.S/निजी सचिव

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT, Mumbai.
4. आयकर आयुक्त / CIT(A)- , Mumbai
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)

आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai