

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "B", MUMBAI  
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER  
AND  
SHRI RAJESH KUMAR, ACCOUNTANT MEMBER

ITA NO.6297 & 6299/MUM/2018  
(A.Ys. 2011-12 & 2012-13)

The DCIT, Cen.Cir.6(3),  
Room No.1926, 19<sup>th</sup> Floor,  
Air India Building, Nariman Point,  
Mumbai 400 021

..... Appellant

Vs.

M/s. Bombay Rayon Fashions Ltd.  
D-Wing, 1<sup>st</sup> Floor, Oberoi Garden Estate,  
Chandivali, Andheri(E) Mumbai 400 072  
PAN: AAACM3447J

..... Respondent

Appellant by : Ms. Kavita P. Kaushik  
Respondent by : Shri Dhaval Shah

Date of hearing : 16/09/2019  
Date of pronouncement : 16/09/2019

ORDER

PER VIKAS AWASTHY, JM:

These appeals by the Revenue are directed against the orders of CIT(A)-54, Mumbai for assessment years 2011-12 & 2012-13, respectively. Both the impugned orders are dated 27/08/2018.

2. Shri Dhaval Shah appearing on behalf of the assessee submitted at the outset that the appeal of Revenue is liable to be dismissed on account of low tax effect in terms of recent CBDT Circular No. 17/2019, dated 8<sup>th</sup>

August, 2019. The Id. AR submitted that the Department in appeal has assailed the findings of Commissioner of Income Tax (Appeals) in deleting the addition of Rs.1,41,90,089/- for assessment year 2011-12 and Rs.59,36,088/- for assessment year 2012-13 on account of bogus purchases. The Id. AR of the assessee pointed that tax effect involved in both the appeals is less than Rs.50 Lakhs.

3. Ms. Kavita P. Kaushik representing the Department fairly admitted that in the present appeals by the Department tax effect is less than Rs.50 Lakhs.

4. Both sides heard. The Revenue is in appeal against the order of Commissioner of Income Tax (Appeal) in deleting the additions made by the Assessing Officer in respect of bogus purchases in assessment year 2011-12 & 2012-13. Undisputedly, the tax effect involved in both the appeals is less than the monetary limit prescribed by the recent CBDT Circular No. 17/2019, dated 08-08-2019 for filing of appeals before the Tribunal by the Department. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No. 3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus, without going into merit of the issues raised in the appeal, in view of the CBDT Circular (supra) the present appeals by the Revenue are dismissed on account of low tax effect.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeals, with the requisite material to show that the appeal(s) is/are protected by the exceptions

prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20/08/2018.

6. In the result, appeals of the Revenue are dismissed.

Order pronounced in the open court after hearing the appeal on Monday, the 16<sup>th</sup> day of September 2019.

Sd/-  
(RAJESH KUMAR )  
ACCOUNTANT MEMBER

Sd/-  
(VIKAS AWASTHY)  
JUDICIAL MEMBER

Mumbai, Dated 16/09/2019

Vm, Sr. PS(O/S)

**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**