



IN THE INCOME TAX APPELLATE TRIBUNAL
"G" BENCH, MUMBAI

BEFORE SHRI PRAMOD KUMAR, VICE PRESIDENT, AND
SHRI SAKTIJIT DEY, JUDICIAL MEMBER

ITA no.6452/Mum./2016
(Assessment Year : 2011-12)

Dy. Commissioner of Income Tax
Central Circle-7(1), Mumbai

..... Appellant

v/s

Growmore Investment & Developers
Pvt. Ltd., Flat no.21, Plot no.220
Triveni Apartment, Cadell Road
Mumbai 400 016 PAN – AABCG6370P

..... Respondent

C.O. no.163/Mum./2018
(Arising out of ITA no.6452/Mum./2016)
(Assessment Year : 2011-12)

Growmore Investment & Developers
Pvt. Ltd., Flat no.21, Plot no.220
Triveni Apartment, Cadell Road
Mumbai 400 016 PAN – AABCG6370P

..... Cross Objector
(Original Respondent)

v/s

Dy. Commissioner of Income Tax
Central Circle-7(1), Mumbai

..... Respondent
(Original Appellant)

Assessee by : Shri M. Daya Sagar
Revenue by : Shri Pradip Kapasi a/w
Shri Akhilesh Pevekar

Date of Hearing – 09.09.2019

Date of Order – 20.09.2019

ORDER**PER SAKTIJIT DEY, J.M.**

Captioned appeal by the Revenue and cross objection by the assessee are directed against the order dated 11th August 2016, passed by the learned Commissioner of Income Tax (Appeals)-49, Mumbai, for to the assessment year 2011-12.

2. At the time of hearing, learned Counsel for the assessee submitted that the tax effect on the amount disputed by the Revenue is below the revised monetary limit of ₹ 50 lakh applicable to appeals before the Tribunal, as per CBDT Circular no.17 of 2019, dated 8th August 2019. Further, he submitted, none of the exceptions provided in CBDT Circular no.3 of 2018, dated 11th July 2018 read with circular F. no.279/Misc142/2007-ITJ-(Pt) dated 20.08.2018 would apply to Revenue's appeal. He also furnished before the Bench a computation of tax on the amount disputed by the Revenue in the present appeal. Thus, he submitted, Revenue's appeal being covered under the aforesaid Circulars is not maintainable.

3. The learned Departmental Representative, after perusing the working of the tax effect furnished by the learned Counsel for the assessee, fairly submitted that the appeal is covered under the CBDT Circulars referred to above.

4. Having considered rival submissions and perused the material on record, we are of the view that the tax effect on the amount disputed by the Revenue in the present appeal is below the revised monetary limit of ₹ 50 lakh as per CBDT Circular no.17/2019, dated 8th August 2019, r/w CBDT Circular no.3/2018, dated 11th July 2018. It also stands clarified by the CBDT that the revised monetary limit of ₹ 50 lakh as per the aforesaid CBDT Circulars would also apply to all pending appeals. In view of the aforesaid, Revenue's appeal deserves to be dismissed. However, the Revenue is given liberty to seek recall of this order if it is found that the appeal falls under any of the exceptions provided in the Circulars referred to above.

5. In the result, Revenue's appeal is dismissed.

C.O. no.163/Mum./2018
Arising out of Revenue's Appeal
being ITA no.6452/Mum./2016

6. Insofar as assessee's cross objection is concerned, the Registry has pointed out a delay of 74 days in filing the cross objection. Of-course, the assessee has filed an application seeking condonation of delay supported by an Affidavit. Since, we have already dismissed the corresponding appeal of the Revenue due to low tax effect, the cross

objection having become academic is deemed infructuous, hence, dismissed.

7. In the result, Revenue's appeal as well as assessee's cross objection are dismissed.

Order pronounced in the open Court on 20.09.2019

Sd/-
PRAMOD KUMAR
VICE PRESIDENT

Sd/-
SAKTIJIT DEY
JUDICIAL MEMBER

MUMBAI, DATED: 20.09.2019

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The CIT(A);*
- (4) *The CIT, Mumbai City concerned;*
- (5) *The DR, ITAT, Mumbai;*
- (6) *Guard file.*

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Assistant Registrar
ITAT, Mumbai