

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "B", MUMBAI**

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER AND
SHRI RAJESH KUMAR, HON'BLE ACCOUNTANT MEMBER**

**ITA Nos. 3951, 3952 & 3953/MUM/2018
(A.Ys: 2010-11, 2011-12 & 2012-13)**

JCIT (TDS)(OSD) – 2(3) 718, 7 th Floor Smt K.G. Mittal Ayurvedic Hospital Building Charni Road (W) Mumbai – 400 002	v.	M/s. Neo Sports Broadcast Pvt. Ltd., Zion 3 rd Floor Nimbus Centre, Oberoi Complex Andheri (W), Mumbai – 400 053 PAN No: AACCN2854Q
(Appellant)		(Respondent)

Assessee by : None
Department by : Shri S.K. Jain
Date of hearing : 19.09.2019
Date of pronouncement : 19.09.2019

ORDER

PER C.N. PRASAD (JM)

All these appeals are filed by the Revenue against different orders of the Learned Commissioner of Income Tax (Appeals)-60, Mumbai [hereinafter in short "Ld.CIT(A)"] dated 26.03.2018 for the Assessment Years 2010-11, 2011-12 and 2012-13.

2. The Revenue has raised the following common grounds in its appeals except for figures: -

"1.1. On the facts and in the circumstances of the case and in law, the CIT(A) erred in excluding bank guarantee commission from the purview of Section 194A, even when the payment was made prior to CBDT's Notification No.56/2012 dated 31.12.2012?"

1.2. On the facts and in the circumstances of the case and in law, the CIT(A) erred by holding that the guarantee commission does not come under the purview of definition of interest as envisaged in Section 2(28A) as per CBDT's Circular dated 05.07.1976?"

3. At the time of hearing Ld. DR has stated that the tax effect on the issue in the present appeals is below ₹.50 Lacs and in view of the CBDT Circular No. 17/2019 dated 08.08.2019 in F.No.279/Misc.142/2007-ITJ (Pt), the appeals of the Revenue are not maintainable. In view of the above submissions we dismiss the appeals of the Revenue on account of low tax effect.

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

Order pronounced in the Court on 19th September, 2019

Sd/-
(RAJESH KUMAR)
ACCOUNTANT MEMBER
Mumbai / Dated 19/09/2019
Giridhar, Sr.PS

Sd/-
(C.N. PRASAD)
JUDICIAL MEMBER

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.
- //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mum