



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

BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER AND
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER

ITA no.7304/Mum./2014
(Assessment Year : 2010-11)

Dy. Commissioner of Income Tax
Circle-10(2)(2), Mumbai

..... Appellant

v/s

Mega Management Services Pvt. Ltd.
7th Floor, C-Wing, Twin Arcade
Military Road, Marol Maroshi
Andheri (E), Mumbai 400 059
PAN - AAACM4143K

..... Respondent

C.O. no.200/Mum./2018
(Arising out of ITA no.7304/Mum./2014)
(Assessment Year : 2010-11)

Mega Management Services Pvt. Ltd.
7th Floor, C-Wing, Twin Arcade
Military Road, Marol Maroshi
Andheri (E), Mumbai 400 059
PAN - AAACM4143K

..... Appellant
(Original Respondent)

v/s

Dy. Commissioner of Income Tax
Circle-10(2)(2), Mumbai

..... Respondent
(Original Appellant)

Revenue by : Shri Samatha MullaMudi
Assessee by : Shri Navnit Chaudhary

Date of Hearing - 30.09.2019

Date of Order - 25.10.2019

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

Aforesaid appeal by the Revenue and cross objection by the assessee arise out of order dated 19th September 2014, passed by the learned Commissioner of Income Tax (Appeals)-17, Mumbai, for the assessment year 2010-11.

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/Misc./142/2007-ITJ-(Pt) dated 20.08.2018 would apply to Revenue's appeal. Thus, he submitted, Revenue's appeal being covered under the aforesaid Circulars is not maintainable.

3. The learned Departmental Representative agreed that the tax effect on the amount disputed by the Revenue is below the monetary limit of ₹.50 lakh.

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, at a later point of time, it is found that the appeal is protected by any of the exceptions provided in the Circulars referred to above.

5. In view of our decision in Revenue's appeal, as aforesaid, assessee's cross objection has become infructuous, hence, dismissed.

6. In the result, both, the appeal and the cross objection are dismissed.

Order pronounced in the open Court on 25.10.2019

Sd/-
MANOJ KUMAR AGGARWAL
ACCOUNTANT MEMBER

Sd/-
SAKTIJIT DEY
JUDICIAL MEMBER

MUMBAI, DATED: 25.10.2019

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