

**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 No. 7164/MUM/2017 (A.Y: 2013-14)

Dy. Commissioner of Income Tax Circle - 3(2)(1) R.No. 608, Aayakar Bhavan M.K. Road, Mumbai – 400 020	v.	Smt Bharati S. Khanna {Through Legal Representative Shri Sharan P. Khanna} 309, Dalamal Tower, Plot No. 211 Free Press Journal Marg Nariman Point Mumbai – 400 021 PAN: AACPK5223B
(Appellant)		(Respondent)

Assessee by : **Shri R.V. Shah &
Ms. Malika Devendra**

Department by : **Ms. Kavita P. Kaushik**

Date of hearing : **16.10.2019**

Date of pronouncement : **16.10.2019**

ORDER

PER C.N. PRASAD (JM)

This appeal is filed by the Revenue against the order of the Learned Commissioner of Income Tax (Appeals)-8, Mumbai [hereinafter in short "Ld.CIT(A)"] in Appeal No. CIT(A)-8/IT-156/16-17 dated 04.09.2017 for the Assessment Year 2013-14.

2. The Revenue has raised the following grounds in its appeal: -

“1. Whether on the facts and circumstances of the case and in law, the Ld.CIT(A) was right in deleting the disallowance of Rs.11,83,271/- made u/s 14A r.w.r. 8D without appreciating the fact that the amount of disallowance u/s 14A of the I.T. Act, 1961 has to be computed as per Rule 8D of I.T. Rules, 1962 when the computation of the assessee was not found to be correct and as held in the order of the Hon'ble High Court in the case of M/s Godrej & Boyce Manufacturing Co. Ltd.

2. Whether on the facts and circumstances of the case and in law, the Ld.CIT(A) was right in deleting the addition of Rs.1,64,83,714/- on account of Long Term Capital Gains on sale of shares of the M/s Sushama Trading Pvt. Ltd. M/s Mahanadi Software Pvt. Ltd. and M/s. Shami Realty Pvt. Ltd. along with flat/unit in the name of the company.

3. The appellant prays that for this and other reasons it is submitted that the order of the CIT(A) on the grounds be set aside and that of the Assessing Officer be restored.”

3. At the time of hearing, Ld. Authorized Representative of the assessee submitted that tax effect on the issues in the present appeal is ₹.37,61,276/- which 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 appeal of the Revenue is not maintainable.

4. Departmental Representative also agreed with the above submission of the Authorized Representative of the assessee.

5. We have heard the submissions and perused the grounds of appeal in this appeal. We find that the tax effect in this appeal is less than ₹.50 Lakhs and therefore the appeal of the Revenue is not maintainable

on account of low tax effect in view of the CBDT Circular No. 17/2019 dated 08.08.2019. Hence this appeal is dismissed.

6. In the result, appeal of the Revenue is dismissed.

Order Pronounced in the Open Court on the 16th October, 2019.

Sd/-
(RAJESH KUMAR)
ACCOUNTANT MEMBER
Mumbai / Dated 16/10/2019
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