

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

**BEFORE SHRI M.BALAGANESH, AM
&
SHRI AMARJIT SINGH, JM**

**ITA No.5050/Mum/2012
(Assessment Year : 2006-07)**

Deputy Commissioner of Income Tax – 12(2) Room No.134, Aayakar Bhavan M.K.Road, Mumbai – 20	Vs.	M/s. L & T Hochtief Seabird Joint Venture, L & T House, NM Marg Ballard Estate Mumbai – 400 001
PAN/GIR No.AAAALO284E		
(Appellant)	..	(Respondent)

Revenue by	Ms. Neha Thakur
Assessee by	Ms. Heena Doshi
Date of Hearing	10/10/2019
Date of Pronouncement	10/10/2019

आदेश / O R D E R

PER M. BALAGANESH (A.M.):

This appeal in ITA No.5050/Mum/2012 for A.Y.2006-07 arises out of the order by the Id. Commissioner of Income Tax (Appeals)-23, Mumbai in appeal No.CIT(A)-23/ACIT-12(2)/IT-37/2011-12 dated 14/05/2012 (Id. CIT(A) in short) in the matter of imposition of penalty u/s.271(1)(c) of the Income Tax Act, 1961.

2. Both the parties before us mutually agreed that this revenue appeal is to be dismissed as not maintainable in view of the recent Circular

issued by the CBDT dated 08/08/2019 wherein the revenue has been directed to withdraw the appeal preferred by it before the Tribunal if the tax effect on the disputed issues is less than or equal to Rs.50,00,000/-. It is well settled that this Circular is binding on the revenue authorities.

3. Respectfully following the said Circular, the appeal filed by the revenue is dismissed as not maintainable.

4. In case, if the revenue is able to provide evidence that the case falls under any of the exceptions provided in the circular issued by the CBDT, then the revenue may prefer miscellaneous application for recalling of this order, if they so desire, in which circumstance this order shall be recalled by this Tribunal.

5. In the result, appeal filed by the revenue is dismissed as not maintainable.

Order pronounced in the open court on this 10/10/2019

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 10/10/2019
KARUNA, *sr.ps*

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, Mumbai