

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

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

**ITA No.2644/Mum/2016
(Assessment Year :2004-05)
ITA No.2645/Mum/2016
(Assessment Year :2005-06)
ITA No.2646/Mum/2016
(Assessment Year :2006-07)
ITA No.2648/Mum/2016
(Assessment Year :2008-09)**

Dy. Commissioner of Income Tax Central Circle-2(4) Old CGO Building 8 th Floor, M.K.Road Mumbai – 400 020	Vs.	M/s. Shruti Art Pvt. Ltd. 26/A, New Surya Kiran Co- op Housing Society Huges Road Mumbai – 400 026
PAN/GIR No.AAFPS1984E		
(Appellant)	..	(Respondent)

Revenue by	Shri Manjunatha Swami
Assessee by	Shri Viraj Mehta
Date of Hearing	07/11/2019
Date of Pronouncement	07/11/2019

आदेश / ORDER

PER BENCH:

These appeals in ITA Nos.2644/Mum/2016, 2645/Mum/2016, 2646/Mum/2016 & 2648/Mum/2016 for A.Yrs.2004-05, 2005-06, 2006-07 & 2008-09 arise out of the order by the Id. Commissioner of Income Tax (Appeals)-48, Mumbai in appeal No.CIT(A)-48/IT-460/DCCC-14/2013-14, CIT(A)-48/IT-461/DCCC-14/2013-14, CIT(A)-48/IT-462/DCCC-14/2013-14 & CIT(A)-48/IT-464/DCCC-14/2013-14 respectively dated 28/01/2016(ld.

CIT(A) in short) against the order of assessment passed u/s.143(3) r.w.s. 153A of the Income Tax Act, 1961 (hereinafter referred to as Act) dated 28/03/2013 by the Id. Dy. Commissioner of Income Tax, Mumbai (hereinafter referred to as Id. AO).

A.Y.	Disputed Addition	Tax Effect
2004-05	77,16,112	27,68,541
2005-06	71,49,647	26,16,771
2006-07	1,27,27,583	42,84,104
2008-09	1,44,92,381	49,25,960

2. Both the parties before us mutually agreed that these revenue appeals are 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 appeals preferred by them 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 appeals filed by the revenue are dismissed as not maintainable.

4. Incase, 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, appeals filed by the revenue are dismissed as not maintainable.

Order pronounced in the open court on this 07/11/2019

Sd/-
(MAHAVIR SINGH)
JUDICIAL MEMBER

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Mumbai; Dated 07/11/2019
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