

**IN THE INCOME TAX APPELLATE TRIBUNAL, “K” BENCH MUMBAI
BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER AND SHRI
PAWAN SINGH, JUDICIAL MEMBER
ITA No. 4783/Mum/2017 for Assessment Year: 2011-12**

DCIT- 9(1)(1), Room No. 260A, 2 nd Floor, Aayakar Bhawan, M.K. Road, Mumbai-400020.	Vs	M/s Air works India (Engineering) Pvt. Ltd. Gate No.8, Old Airport, Near Kalina Military Camp, Santacruz (E), Mumbai-400029. PAN : AABCA1069P
(Appellant)		(Respondent)

Appellant by :	Shri Rajesh Kumar Mishra (Sr. DR/Addl. CIT)
Respondent by :	None

Date of Hearing : 11/11/2019
Date of Pronouncement: 11/11/2019

Order under section 254(1) of Income Tax Act

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal by revenue under section 253 of Income Tax Act is directed against the order of Id. Commissioner of Income Tax (Appeals)-55, [CIT(A)], Mumbai dated 31.03.2017, which in turn arises from the assessment order passed under section 143(3) rws 144C(3)(a) dated 27.04.2015 for Assessment Year 2011-12.
2. None appeared on behalf of the assessee, despite service of notice through RPAD. At the outset of hearing, we have noted that the Id CIT(A) deleted the only the addition of Rs. 61,66,088/- added on account of upward adjustment on account of Arms Length Price for corporate guarantee fee chargeable from associated enterprises of the assessee. Admittedly the tax effect involved in the present appeal is below Rs. 50,00,000/- i.e. the monetary limit prescribed

by CBDT Circular No.17/2019 dated 8th August 2019. Therefore, either the revenue should withdraw the present appeal or would be dismissed.

3. The Id. Departmental Representative (DR) for the revenue after going through the grounds of appeal submitted that though the tax effect involved in the present appeal is less than the monetary limit of tax effect fixed by CBDT in a recent circular, however, the revenue may be given liberty to get the appeal revived in case at the later stage it is discovered that the ground of appeal is covered by any exception clause of CBDT Circular No. 3/2018 dated 1th July 2018 or the tax effect is more than Rs. 50 Lakhs.
4. Considering the facts and the submissions of the Id. DR for the revenue we find that tax effect involved in the present appeal is less than the monetary limit of Rs. 50,00,000/- fixed by CBDT Circular No. 17/2019 dated 8th August 2019, therefore, the appeal of revenue is dismissed being not maintainable. However, the revenue is given liberty to get the appeal revived in case, if it is discovered that the present appeal is covered by any exception clause of CBDT Circular No.3/2018 dated 11th July 2018.
5. In the result, appeal of the revenue is dismissed.

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

Sd/-

(SHAMIM YAHYA)
ACCOUNTANT MEMBER

Mumbai, Date: 11.11.2019

SK

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT

Sd/-

(PAWAN SINGH)
JUDICIAL MEMBER

4. CIT(Appeals)
5. DR: ITAT

BY ORDER

Assistant Registrar
ITAT Mumbai