

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

BEFORE SHRI R.C.SHARMA, AM & SHRI C.N. PRASAD, JM

**ITA No. 4425/Mum/2018
(Assessment Year: 2013-14)**

I.T.O.-17(1)(5), Mumbai	Vs.	Hermes Developers, 2 nd Floor, 09, Dhiraj Chambers, Hazaro,a., Somani Marg, Fort, Mumbai-400001
PAN/GIR No. AAAPH 2179 K		
(Appellant)	..	(Respondent)

Revenue by	Shri K.C. Selvamani (DR)
Assessee by	Shri Kirit S Sanghvi (AR)
Date of Hearing	16/12/2019
Date of Pronouncement	16/12/2019

आदेश / ORDER

PER: R.C. SHARMA, A.M.

This is the appeal filed by the revenue against the order of the Id. CIT(A)-56, Mumbai dated 10/04/2018 for the A.Y. 2013-14 in the matter of order passed U/s 143(3) of the Income Tax Act, 1961 (in short, the Act).

2. At the outset, the Id DR has fairly agreed that the tax effect in this appeal filed by the revenue is less than Rs. 50.00 lacs.

3. We have considered the rival contentions and carefully gone through the orders of the authorities below and found that the tax effect in this appeal is not exceeding the monetary limit as revised by the CBDT vide Circular dated 08.08.2019 for the purpose of filing of appeal by the

department before the Income Tax Appellate Tribunal from Rs. 20,00,000/- to Rs. 50,00,000/-. For ready reference, we reproduce the CBDT Circular No. 17 of 2019 dated 08.08.2019 as under:-

Further Enhancement of Monetary limits for filing of appeals by the Department before Income Tax Appellate Tribunal, High Courts and SLPs/appeals before Supreme Court - Amendment to Circular 3 of 2018 - Measures for reducing litigation.

Circular No. 3/2018 dated 11th July 2018 has been replaced by Circular No. 17/2019 dated 8th August 2019 to enhance Monetary limits for filing of appeals by the Department before Income Tax Appellate Tribunal, High Courts and SLPs/appeals before Supreme Court for reducing litigation.

<i>Appeals/SLPs in Income-tax matters</i>	<i>Monetary Limit (Rs.) (previous limit)</i>	<i>Monetary Limit (Rs.) (Revised Limit)</i>
<i>Before Appellate Tribunal</i>	<i>20,00,000</i>	<i>50,00,000</i>
<i>Before High Court</i>	<i>50,00,000</i>	<i>1,00,00,000</i>
<i>Before Supreme Court</i>	<i>1,00,00,000</i>	<i>2,00,00,000</i>

- The Assessing Officer shall calculate the tax effect separately for every assessment year in respect of the disputed issues in the case of every assessee. If, in the case of an assessee, the disputed issues arise in more than one assessment year, appeal can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issues exceeds the monetary limit. No appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit.*
- Further, even in the case of composite order of any High Court or appellate authority which involves more than one assessment year and common issues in more than one assessment year, no appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit.*
- In case where a composite order/ judgment involves more than one assessee, each assessee shall be dealt with separately."*

4. It is also relevant to mention here that this appeal is not covered by any of the exceptions mentioned in the said circular. Accordingly, the appeal of the department is not maintainable being monetary limit is less than/not exceeding Rs. 50,00,000/-.

5. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open court on 16th December, 2019.

Sd/-
(C.N. PRASAD)
JUDICIAL MEMBER

Sd/-
(R.C.SHARMA)
ACCOUNTANT MEMBER

Mumbai; Dated 16/12/2019

*Ranjan

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.

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai