

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

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER AND  
SHRI AMARJIT SINGH, JUDICIAL MEMBER**

**ITA No.146/M/2017  
Assessment Year: 2010-11**

ACIT 18(3), R No.609, 6 <sup>th</sup> Floor, Earnest House, Nariman Point, Mumbai - 400021	Vs.	Shri Sumit J Jain, 453 E, 2 <sup>nd</sup> Floor, Chikal House, Kalbadevi Road, Mumbai - 400 02 <b>PAN: ADEPJ9200A</b>
(Appellant)		(Respondent)

**Present for:**

Assessee by : Shri Mani Jain, C.A.  
Revenue by : Ms. Surabhi Sharma, D.R.

Date of Hearing : 10.12.2019

Date of Pronouncement : 19.12.2019

**ORDER**

**Per Rajesh Kumar, Accountant Member:**

The present appeal has been preferred by the Revenue against the order dated 22.04.2015 of the Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2010-11.

2. In ground Nos.1 to 3 the Revenue has challenged the addition of Rs.1,91,00,000/- deleted by the Ld. CIT(A) as made by the AO under section 68 of the Act in respect of bogus unsecured loans and in ground No.4 the Revenue has challenged the deletion of addition of Rs.5,89,698/- as made by the AO towards interest expenditure on such bogus loan.

3. At the outset, the Ld. A.R. of the assessee filed a rectification order passed under section 154 dated 07.04.2015 wherein the addition as challenged by the Revenue in the ground No.1 to 3 of Rs.1,91,00,000/- has been reduced to Rs.1,20,00,000/- on account of apparent mistake and thus the tax effect in this appeal of Revenue is less than Rs.50 lakhs. It is further noticed that the CBDT recently has amended the CBDT Circular No. 3/2018 dated 11.07.2018 amounting vide Circular No. 17/2019, F.No. 279/Misc.142/2007-ITJ(Pt.) dated 08.08.2019 increasing the limit for filing of appeal before Income Tax Appellate Tribunal i.e. Rs.50 lacs in each of the case. We noted that earlier Circular No. 3 of 2018 was made applicable to pending appeals also and this clause of the circular remains unchanged even after the amendment. Admittedly, in this case tax effect is below prescribed limit for filing of appeal before the Tribunal by the Revenue i.e. Rs.50 lacs.

4. When this was confronted to the learned Sr. Departmental Representative, he could not point out that this appeal falls under any of the exception as provided in Circular No. 17 of 2019. Admittedly, the tax effect in this appeal of Revenue is much below the prescribed limit of filing appeal before the Tribunal i.e. Rs.50 lacs as per CBDT circular No. 17 of 2019. In view of the above, this appeal of Revenue is dismissed as withdrawn in view of Circular No. 17 of 2019.

5. Now, before us, the learned CIT Departmental Representative only requested that he want to verify whether this appeal falls under any of the explanation provided in CBDT Circular No. 3/2018. Here, we are of giving liberty to Revenue

that in case, after passing of the order it comes to the notice of the Revenue that this appeal does not falls under any explanation of the CBDT by 3/18, the AO can move for recalling of the order within the prescribed time limit under section 254 of the Act. Hence, this appeal is dismissed as low tax effect covered by CBDT Circular No. 17/2019.

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

**Order pronounced in the open court on 19.12.2019.**

**Sd/-  
(Amarjit Singh)  
JUDICIAL MEMBER**

**Sd/-  
(Rajesh Kumar)  
ACCOUNTANT MEMBER**

Mumbai, Dated: 19.12.2019.

\* Kishore, Sr. P.S.

Copy to: The Appellant  
The Respondent  
The CIT, Concerned, Mumbai  
The CIT (A) Concerned, Mumbai  
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.