

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "K", MUMBAI
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
AND
SHRI N.K.PRADHAN, ACCOUNTANT MEMBER
ITA NO.4793/MUM/2015(A.Y. 2010-11)

Dy. Commissioner of Income Tax 9(2)(2),
Room No.414, 4th Floor,
Aaykar Bhavan, M.K.Road,
Mumbai 400 020 Appellant

Vs.

M/s. Cybertech Systems and Software Ltd.
Plot No.B-63/64/65, Cybertech House,
J.B.Sawant Marg, Road No.21/34,
Wagle Estate,
Thane (W) 400 604 Respondent

C.O. No.157/Mum/2015
(Arising out of ITA No.4793/Mum/2015, A.Y. 2010-11)

M/s. Cybertech Systems and Software Ltd.
Thane (W) 400 604 - Cross Objector

Vs.

Dy. Commissioner of Income Tax 9(2)(2),
Mumbai 400 020 Appellant in appeal

Revenue by : Shri Ashish Heliwal
Respondent by : Shri Vispi T. Patel

Date of hearing : 08/01/2010
Date of pronouncement : 08/01/2020

ORDER

PER VIKAS AWASTHY, JM:

This appeal by the Revenue and cross objection by the assessee are directed against the order of Commissioner of Income Tax (Appeals)-55,

Mumbai [in short “the CIT(A)] dated 30/03/2015 for the assessment year 2010-11.

2. Shri Vispi T. Patel appearing on behalf of the assessee submitted at the outset that appeal of the Revenue is liable to be dismissed on account of low tax effect in the light of CBDT Circular No. 17/2019, dated 08-08-2019. The Id. Authorized Representative for the assessee filed computation of tax according to which the tax effect involved in the appeal of the Revenue is Rs.26,72,266/-.

3. The Id. Authorized Representative for the assessee also filed a letter dated 08/01/2020 from the assessee to withdraw the cross objection.

4. Shri Ashish Heliwal representing the Department fairly admitted that the tax effect involved in the appeal by Department is less than Rs.50.00 lacs.

5. Both sides heard. Material available on record examined. The tax effect involved in this appeals is less than the monetary limit prescribed by the recent CBDT Circular No. 17/2019, dated 08-08-2019 for filing of appeals before the Tribunal by the Department. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No. 3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus, without going into merits of the issue raised in the appeal, the present appeal by the Revenue is dismissed on account of low tax effect.

6. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeal, with the requisite material to show that the appeal is protected by the exceptions prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20/08/2018.

7. In view of the above, the appeal by the Revenue and cross objection by the assessee are dismissed.

Order pronounced in the open court at the time of hearing on Wednesday the 08th day of January, 2020.

Sd/-
(N.K.PRADHAN)
ACCOUNTANT MEMBER

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Mumbai, Dated 08/01/2020
Vm, Sr. PS(O/S)

Copy of the Order forwarded to :

1. The Appellant ,
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai