

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI 'T' BENCH, MUMBAI
[BEFORE SHRI PRAMOD KUMAR, HON'BLE VICE PRESIDENT &
MS. MADHUMITA ROY, HON'BLE JUDICIAL MEMBER]**

I.T.A. No. 2548/Mum/2018
Assessment Year: 2013-14

Dy. Commissioner of Income Tax, Circle-16(2), Mumbai.....Appellant

Vs.

M/s. BSR & Company.....Respondent
Lodha Excelus, 1st Floor, Appollo Mills Compound,
N.M. Joshi Marg, Mahalakshmi,
Mumbai - 400 011.
[PAN: AAIFB 4734 C]

Appearances by:

Shri Avaneesh Tiwari, Sr. D/R, appearing on behalf of the Revenue
Shri Abhishek Tilak, Advocate appeared on behalf of the Assessee.

Date of concluding the hearing : January 06, 2020
Date of pronouncing the order : January 9, 2020

O R D E R

Per Ms. Madhumita Roy, JM

The appeal filed at the instance of the Revenue arising out of the order of the order passed by the Ld. CIT(A)-5, Mumbai dated 30.01.2018 under section 143(3) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') for A.Y. 2013-14.

2. At the time of hearing, it was submitted by the Ld.AR for the assessee that appeal filed by the Revenue is hit by recently issued CBDT Circular No.17 of 2019 dated 08/08/2019 revising the previous thresholds pertaining to tax effects. As per aforesaid Circular, all pending appeals filed by Revenue are liable to be dismissed as a measure for reducing litigation where the tax effect does not exceed the prescribed monetary limit which is now revised at Rs.50 Lakhs. In the instant case, the tax effect on the disputed issues raised by the Revenue is stated to be not exceeding Rs.50 lakhs and therefore appeal of the Revenue is required to be dismissed *in limine*.

3. The Learned DR for the Revenue fairly admitted the applicability of the CBDT Circular No. 17 of 2019. Accordingly, appeal of the Revenue is dismissed as not maintainable. However, it will be open to the Revenue to seek restoration of its appeal on showing inapplicability of the aforesaid CBDT Circular in any manner.

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

Mumbai, the 9th day of January, 2020.

Sd/-
[PROMOD KUMAR]
VICE-PRESIDENT

Sd/-
[MADHUMITA ROY]
JUDICIAL MEMBER

Dated : 9.01.2020
{Biswajit, Sr.PS}

Copy of the order forwarded to:

- 1. M/s. BSR and Company, Lodha Excelus, 1st Floor, Appollo Mills Compound, N.M. Joshi Marg, Mahalakshmi, Mumbai – 400 011.**
- 2. Dy. Commissioner of Income-tax-16(2), Mumbai.**

3. CIT(A)-
4. CIT- ,
5. CIT(DR), Mumbai Benches, Mumbai.

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By order

Assistant Registrar
ITAT, Mumbai Benches