

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

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER AND SHRI RAJESH
KUMAR, ACCOUNTANT MEMBER**

**ITA No.5268/MUM/2011
Assessment Year: 2005-06**

ACIT, Cir 6(3), Mumbai	Vs.	M/s. Mafatlal Industries Ltd. 1 st Floor, Backbay Reclamation, H.T Parekh Marg, Mumbai, Pin-400020. PAN: AAACM2813L
(Appellant)		(Respondent)

Present for:

Appellant by : Smt Jothilakshmi Nayak, Sr. DR
Respondent by : Shri Girish Dave

Date of Hearing : 09.01.2020

Date of Pronouncement : 28.01.2020

ORDER

Per Rajesh Kumar, Accountant Member:

The present appeal has been preferred by the assessee against the order dated 30.03.2011 of the Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2005-06.

2. At the outset, it is noticed that the CBDT recently has amended the CBDT Circular No. 3/2018 dated 11.07.2018 vide **Circular No. 17/2019**, F.No. 279/Misc.142/2007-ITJ(Pt.) dated **08.08.2019** increasing the limit for filing of appeal by the revenue before Income Tax Appellate Tribunal to 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.

2. 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 In view of the above, this appeal of Revenue is dismissed as withdrawn in view of Circular No. **17 of 2019**.

3. 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.

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

Order pronounced in the open court on 28.01.2020.

Sd/-
(Saktijit Dey)
JUDICIAL MEMBER

Sd/-
(Rajesh Kumar)
ACCOUNTANT MEMBER

Mumbai, Dated: 29.01.2020.

RS, 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.

		Date	Initial	
WHETHER DICTATION PAD ENCLOSED WITH THE FILE : Yes/No (as the order has been typed with the help of manuscript)				
1.	Draft dictated on			Sr.PS
2.	Draft placed before author			Sr.PS
3.	Draft proposed & placed before the second member			JM/AM
4.	Draft discussed/approved by Second Member			JM/AM
5.	Approved Draft comes to the Sr.PS/PS			Sr.PS
6.	Date of pronouncement			Sr.PS
7.	File sent to the Bench Clerk			Sr.PS
8.	Date on which file goes to the Head Clerk			
9.	Date of dispatch of Order			