

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

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER AND
SHRI M. BALAGANESH, HON'BLE ACCOUNTANT MEMBER**

ITA No. 5895/MUM/2013 (A.Y: 2010-11)

Dy. Commissioner of Income-tax-10(2) Room No. 432, 4 th Floor Aayakar Bhavan, M.K. Road Mumbai – 400 020	v.	M/s. Godrej Investment Pvt. Ltd., Plant No. 11. Pirojshanagar Eastern Express Highway Vikhroli (E), Mumbai – 400 079 PAN: AAACG1391H
(Appellant)		(Respondent)

Assessee by : Shri Furquan Ahemed

Department by : Shri V. Vijay Kumar

Date of hearing : 03.02.2020

Date of pronouncement : 03.02.2020

ORDER

PER C.N. PRASAD (JM)

This appeal is filed by the Revenue against the order of the Learned Commissioner of Income Tax (Appeals)-21, Mumbai [hereinafter in short "Ld.CIT(A)"] in Appeal No. CIT(A)-21/IT/196/2012-13 dated 17.07.2013 for the Assessment Year 2010-11.

2. Revenue has raised the following ground in its appeal: -

"1. "On the facts and in the circumstances of the case as well as in law, the Ld. CIT(A) has erred in deleting the addition of ₹.1,33,60,313/- u/s. 14A r.w. Rule 8D of I.T. Rules."

3. At the time of hearing, Authorized Representative of the assessee submitted that tax effect on the issue in the present appeal is below ₹ 50 Lacs and in view of the CBDT Circular No. 17/2019 dated 08.08.2019 in F.No.279/Misc.142/2007-ITJ (Pt), the appeal of the Revenue is not maintainable.

4. Departmental Representative also agreed with the above submission of the Authorized Representative of the assessee.

5. We have heard the submissions and perused the grounds of appeal in this appeal. We find that the tax effect in this appeal is less than ₹.50 Lakhs and therefore the appeal of the Revenue is not maintainable on account of low tax effect in view of the CBDT Circular No. 17/2019 dated 08.08.2019. Hence this appeal is dismissed.

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

Order Pronounced in the Open Court on the 03rd February, 2020

Sd/-
(M. BALAGANESH)
ACCOUNTANT MEMBER
Mumbai / Dated 03/02/2020
Giridhar, Sr.PS

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

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.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mum