



ITA No.5545/Mum/2018
M/s. Discovery Properties & Hotels Private Ltd.
Assessment Year :2013-14

आयकर अपीलीय अधिकरण “डी” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, MUMBAI

माननीय श्री अमरजीत सिंह, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI AMARJIT SINGH, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ I.T.A. No.5545/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2013-14)

ITO-9(3)(1) 419, Aaykar Bhavan 4 th Floor, M.K. Marg, Mumbai-400 020.	बनाम/ Vs.	M/s. Discovery Properties & Hotels P.Ltd. Z-2, Bhavani Nagar Marol-Maroshi Road, Marol Andheri –(E), Mumbai-400 059.
स्थायी लेखा सं./जी आइ आर सं./PAN/GIR No. AACCD-0870-G		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Paul Almeida- Ld. AR
Revenue by	:	Ms. Jyoti Lakshmi Nayak-Ld.DR

सुनवाई की तारीख/ Date of Hearing	:	11/02/2020
घोषणा की तारीख / Date of Pronouncement	:	11/02/2020

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by revenue for Assessment Year [in short referred to as ‘AY’] 2013-14 contest the order of Ld. Commissioner of Income-Tax (Appeals)-16, Mumbai, [in short referred to as ‘CIT(A)’], *Appeal No. CIT(A)-16/ITO-9(3)(1)/IT-116/2017-18* order dated 31/07/2018 qua grant of relief u/s 2(22)(e) for Rs.89.77 Lacs.



2. The learned Authorized Representative for assessee (AR), at the outset, drew attention to the fact that the appeal is not maintainable since the tax effect of quantum additions being contested by the revenue is less than monetary limit of Rs.50 Lacs as prescribed by CBDT in its recently issued Circular No.17/2019 dated 08/08/2019 [F.No.279/Misc.142/2007-TTJ(Pt.) Government of India, Ministry of Finance, Department of Revenue] and therefore, the appeal is liable to be dismissed. The Ld. DR could not point out any exception and also could not controvert the fact that the tax effect of quantum addition was less than Rs.50 Lacs.

3. Upon perusal of case records, *prima facie*, it appears that the tax effect of quantum additions under dispute is less than prescribed limit of Rs.50 Lacs and the same is covered by recently issued *low tax effect* Circular No.17/2019 dated 08/08/2019 issued by *Central Board of Direct Taxes [CBDT]*. This recent circular further enhances the monetary limit fixed in earlier Circular No.3 of 2018 dated 11/07/2018 issued by CBDT as amended on 20/08/2018. Therefore, the appeal is liable to be dismissed.

4. At the same time, a liberty is given to revenue to seek recall of the appeal, if at a later stage, it is found that the matter is covered by any exceptions provided in any of the circular or in case the tax effect as agitated by revenue exceeds the prescribed monetary limit.



5. In the result, the appeal stands dismissed.

Order pronounced in the open court on 11th February, 2020.

Sd/-

Sd/-

(Amarjit Singh)

(Manoj Kumar Aggarwal)

न्यायिक सदस्य / **Judicial Member**

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 11/02/2020
Sr.PS, Jaisy Varghese

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.