

**IN THE INCOME TAX APPELLATE TRIBUNAL “E”
BENCH, MUMBAI**

**BEFORE SHRI S. RIFAUR RAHMAN, AM &
SHRI RAVISH SOOD, JM**

आयकरअपीलसं./ I.T.A. No. 3444/Mum/2018
(निर्धारणवर्ष / Assessment Year: 2010-11)

DCIT Circle– 11(3)(1), Room No. 204, 2 nd floor, Aayakar Bhavan, M. K. Road, Mumbai-400 020	बनाम/ Vs.	M/s Tops Securities Ltd. 5, Royal Palm Golf Country Club, Survey 169, Aarey Milk Colony, Goregaon (E), Mumbai- 400 065
स्थायीलेखासं./जीआइआरसं./PAN No. AAAC0160F		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Shri Amit Pratap Singh, DR
प्रत्यर्थीकीओरसे/Respondentby	:	None
सुनवाईकीतारीख/ Date of Hearing	:	17.10.2019
घोषणाकीतारीख / Date of Pronouncement	:	06.11.2019

आदेश / ORDER

Per S. Rifaur Rahman, Accountant Member:

The present Appeal has been filed by the revenue against the order of Ld. Commissioner of Income Tax (Appeals) - 18 in short referred as ‘Ld. CIT(A)’, Mumbai, dated 28.02.18 for Assessment Year (in short AY) 2010-11.

2. At the outset, it was noticed that none has appeared on behalf of assessee in spite of calls. Therefore, we have no other option except to proceed the assessee ex-parte. On the other hand, Ld. DR is present in the court and is ready with arguments. Hence, we have decided to proceed with the hearing of the case ex-parte with the assistance of the Ld. DR and the material placed on record.

3. From the records, we notice that the tax effect of the relief granted by the Ld. Commissioner of Income Tax (Appeals) is below Rs. 50 lacs and as per Circular No.17 of 2019 dated 08.08.2019 issued by the Central Board of Direct Taxes (CBDT), Department of Revenue, Ministry of Finance, Government of India, the CBDT has revised the monetary limit for filing appeals before the ITAT from the existing limit of Rs. 20 lacs to Rs. 50 lacs.

4. The Ld. Departmental Representative (DR) fairly conceded that this appeal is not maintainable in light of the aforesaid circular issued by the CBDT. The Ld. DR also did not

point out that this appeal falls in any of the exceptions carved out in the above said circular.

5. We have gone through the order of the Ld. Commissioner of Income Tax (Appeals) and the grounds of appeals. We find that the tax effect in the above referred appeal is less than Rs. 50 lacs. Accordingly, we dismiss the aforesaid appeal filed by the Revenue as not maintainable/withdrawn.

6. In the net result, the appeal filed by the revenue stands **dismissed.**

Order pronounced in the open court on 6th Nov, 2019.

<i>Sd/-</i> (Ravish Sood) न्यायिकसदस्य / Judicial Member मुंबई Mumbai; दिनांक Dated : Sr.PS. Dhananjay	<i>Sd/-</i> (S. Rifaur Rahman) लेखासदस्य / Accountant Member 06.11.2019
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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/सहायकपंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई/ ITAT, Mumbai