

THE INCOME TAX APPELLATE TRIBUNAL  
"D" Bench, Mumbai  
Shri Shamim Yahya (AM) & Shri Ramlal Negi (JM)

I.T.A. No. 2159/Mum/2019 (Assessment Year 2012-13)

DCIT CC-7(3) Room No. 655 6 <sup>th</sup> Floor Aayakar Bhavan M.K. Road Mumbai-400 020. (Appellant)	Vs.	Shri Rajmal Hemraj Vanigota Flat No. 1005, Lodha Castiera Nappean Sea Road Mumbai-400 026. PAN : AAAPV5786E (Respondent)
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Assessee by	Shri Poojan Mehta
Department by	Shri V. Vinod Kumar
Date of Hearing	10.09.2020
Date of Pronouncement	14.09.2020

ORDER

Per Shamim Yahya (AM) :-

This appeal by the revenue is directed against order of learned CIT-A dated 24.1.2019 and pertains to assessment year 2012-13.

The grounds of appeal read as under :-

“On the facts and circumstances of the case Id. CIT(A) has erred in deleting the addition u/s. 68 of Rs. 1,50,00,000/- with respect to the unsecured loans received by it, without appreciating that the retraction of statement is only an afterthought and the Assessing Officer was correct in the treatment of the unsecured loans considering the preponderance of probability”.

3. At the outset Ld counsel of the assessee submitted that the tax effect in this case is below the limit of Rs50,00,000 fixed by CBDT vide Circular No. 17/2019 Dt 8/8 2019 for filing appeal before the ITAT. Hence Ld counsel submitted that this appeal by the revenue is not maintainable. Per contra Ld DR could not dispute that the tax effect is below the said limit. He could not point out that the appeal falls in any of the exceptions carved in said circular.

4. Upon careful consideration we find that, as the tax effect is below the limit fixed by CBDT for filing appeals before the ITAT, this appeal by the revenue is liable to be dismissed in limine.

5. Accordingly the appeal stands dismissed as such.

Order pronounced on 14.9.2020.

Sd/-  
(RAMLAL NEGI)  
JUDICIAL MEMBER

Sd/-  
(SHAMIM YAHYA)  
ACCOUNTANT MEMBER

Mumbai; Dated : 14/09/2020

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)  
ITAT, Mumbai

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