

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

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER AND
SHRI S. RIFAUR RAHMAN, HON'BLE ACCOUNTANT MEMBER**

ITA No. 184/MUM/2019 (A.Y: 2011-12)

Income Tax Officer – 24(2)(2) Room No. 514, 5 th Floor Piramal Chambers Mumbai	v.	M/s. Jasani Jewellery Unit No. 158/159, SDG-V SEEPZ - SEZ., Andheri (E) Mumbai – 400 096 PAN: AAEFJ7511P
(Appellant)		(Respondent)

Assessee by : Shri Apurva Shah

Department by : Shri M. Samatha

Date of hearing : 21.10.2020

Date of pronouncement : 21.10.2020

ORDER

PER C.N. PRASAD (JM)

This appeal is filed by the Revenue against the order of the Learned Commissioner of Income Tax (Appeals)-56, Mumbai [hereinafter in short "Ld.CIT(A)"] in Appeal No. CIT(A)-56, Mumbai/10051/2017-18 dated 08.10.2018 for the Assessment Year 2011-12.

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

1. *"Whether on the facts and in circumstances of the case and in law, the Ld.CIT(A) erred in excluding Classic Diamonds India Ltd from list of comparables without appreciating the fact that the assessee could not file any material evidence to prove that business activities of Classic Diamonds India Ltd is diamonds whereas the business activity of the assessee is Jewellery manufacturing.*

2. *"Whether on the facts and in circumstances of the case and in law, the Ld.CIT(A) erred in excluding Classic Diamonds India Ltd from list of comparables without appreciating the fact that the issue of comparables is decided based on the submission of the assessee without remanding the issue to the assessing officer which is against the rule 46A.*

3. *"The appellant prays that the order of the CIT (Appeals) on the above grounds be set aside and that of AO be restored".*

4. *"The appellant craves leave to amend or alter any ground or to submit additional new ground which may be necessary".*

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 on 21.09.2020 as per Rule 34(4) of ITAT Rules by placing the pronouncement list in the notice board.

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER
Mumbai / Dated 21/10/2020
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