

आयकर अपीलिय अधिकरण
मुंबई पीठ " के ", मुंबई
IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "K", MUMBAI
श्री विकास अवस्थी, न्यायिक सदस्य एवं
श्री नबीन कुमार प्रधान, लेखा सदस्य के समक्ष
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER &
SHRI N.K.PRADHAN, ACCOUNTANT MEMBER
आअसं. 3110/मुं/2017 (नि.व. 2010-11)
ITA NO.3110/MUM/2017(A.Y.2010-11)

Dy. Commissioner of Income Tax -1(2)(1),
Room No.535, Aaykar Bhavan,
M.K.Road, Mumbai 400 020

..... अपीलार्थी /Appellant

बनाम Vs.

M/s. Kathrein India P. Ltd.
23, Jay Mahal, A Road,
Churchgate, Mumbai 400 020
PAN: AAACA5217G

..... प्रतिवादी/Respondent

C.O.NO.295/MUM/2018
[Arising out of ITA No.3110/Mum/2017(A.Y.2010-11)]

M/s. Kathrein India P. Ltd.
23, Jay Mahal, A Road,
Churchgate, Mumbai 400 020
PAN: AAACA5217G

..... अपीलार्थी /Appellant

बनाम Vs.

Dy. Commissioner of Income Tax -1(2)(1),
Room No.535, Aaykar Bhavan, M.K.Road
Mumbai 400 020

..... प्रतिवादी/Respondent

Assessee by : Shri Nitesh Joshi
Revenue by : Shri Sushil Kumar Mishra

सुनवाई की तिथि/ Date of hearing : 21/01/2021
घोषणा की तिथि/ Date of pronouncement : 21/01/2021

आदेश/ ORDER

PER VIKAS AWASTHY, JM:

This appeal by the Revenue is directed against the order of Commissioner of Income Tax Appeals-56, Mumbai [in short 'CIT(A)'] dated 24/01/2017 for the assessment year 2010-11. The assessee has filed cross objections in the aforesaid appeal of the Revenue.

2. Shri Nitesh Joshi, appearing on behalf of the assessee submitted at the outset that appeal filed by the Revenue suffers from low tax effect in the light of CBDT Circular No. Circular No.17/2019 dated 08/08/2019. The Id. Authorized Representative for the assessee pointed that the only issue raised in the appeal by Revenue is regarding deleting of adjustment on account of management fee Rs.69,42,392/-. The Id. Authorized Representative for the assessee stated at the Bar that if appeal by the Revenue is dismissed on account of low tax effect, the cross objections filed by assessee would become infructuous.

3. Shri Susheel Kumar Mishra, representing the Department fairly admitted that the tax effect involved in the appeal is less than Rs.50,00,000/-.

4. Both sides heard. Undisputedly, the tax effect involved in the appeal is less than Rs.50,00,000/- i.e. the monetary limit specified by the CBDT vide Circular No.17/2019 dated 08/08/2019(supra) for filing of appeals by the Revenue before the Tribunal. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No. 3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus,

without going into merits of the issue raised in the appeal, the present appeal by the Revenue is dismissed on account of low tax effect.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeal, with the requisite material to show that the appeal is protected by the exceptions prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20/08/2018.

6. Since the appeal of the Revenue is dismissed on account of low tax effect, cross objections field by assessee have become infructuous and the same are dismissed, as such.

7. In the result, appeal by Revenue and cross objections by assessee are dismissed.

Order pronounced in the open court on Thursday, the 21st day of January, 2021.

Sd/-

(N.K.PRADHAN)

लेखा सदस्य/ACCOUNTANT MEMBER

मुंबई/ Mumbai, दिनांक/Dated /01/2021

Vm, Sr. PS (O/S)

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

प्रतिलिपि अग्रेषित Copy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त(अ)/ The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
6. गार्ड फाइल/Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai