

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

माननीय श्री मनोज कुमार अग्रवाल ,लेखा सदस्य
एवं माननीय श्री रवीश सूद, न्यायिक सदस्य के समक्ष।
BEFORE HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON’BLE SHRI RAVISH SOOD, JM
(Hearing Through Video Conferencing Mode)

आयकरअपील सं./ I.T.A. No.3854/Mum/2019
(निर्धारण वर्ष / Assessment Year: 2014-15)

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आयकरअपील सं./ I.T.A. No.3855/Mum/2019
(निर्धारण वर्ष / Assessment Year: 2015-16)

DCIT- 3(3)(2) Room No.628, 6 th Floor Aaykar Bhawan, M.K.Road Mumbai-400 020	बनाम / Vs.	M/s. Suparna Chemicals Ltd 54-A, Mittal Tower Free Press Journal Road Nariman Point, Mumbai-400 021
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AABCS-4578-F		
(□ पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)
Assessee by	:	Shri Navin Kumar Mishra-Ld.AR
Revenue by	:	Shri T.S. Khalsa- Ld. Sr.AR
सुनवाई की तारीख/ Date of Hearing	:	11/02/2021
घोषणा की तारीख / Date of Pronouncement	:	11/02/2021

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeals by revenue for Assessment Years [in short referred to as ‘AY’] 2014-15 & 2015-16 contest separate orders of learned first Appellate Authority which has granted certain relief to the assessee on account of weighted deduction u/s 35(2AB).

2. The Ld. Counsel for Assessee, Shri Navin Kumar Mishra, at the outset, drawing attention to Form Nos. 36, submitted that tax effect of quantum additions under dispute in both the years is below prescribed threshold limit of Rs.50 Lacs and therefore, the revenue's appeals are not maintainable in terms of latest low tax effect CBDT Circular No. 17/2019 dated 08/08/2019 [F.No.279/Misc. 142/2007-TTJ(Pt.)]. The Ld. DR could not point out any exception to controvert the plea raised by Ld. AR.

3. After going through material on record, we find that the tax effect of quantum additions under dispute, in both the appeals, is below threshold monetary limit of Rs.50 Lacs and therefore, the appeals are not maintainable in terms of recently issued low tax effect Circular No. 17/2019 dated 08/08/2019 [F.No.279/Misc. 142/2007-TTJ(Pt.)] issued by 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. In view of the same, the appeals are not maintainable.

4. At the same time, a liberty is given to revenue to seek recall of the appeals, 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 in the appeals exceeds the prescribed monetary limit.

5. Resultantly, both the appeals stands dismissed.

Order pronounced on 11th February, 2021.

Sd/-

(Ravish Sood)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 11/02/2021
Sr.PS, Kasarla Thirumalesh

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.