

**आयकर अपीलीय अधिकरण “एच” न्यायपीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“H” BENCH, MUMBAI**

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**  
**(Hearing Through Video Conferencing Mode)**

आयकरअपील सं./ I.T.A. No.7200/Mum/2019  
(निर्धारण वर्ष / Assessment Year: 2007-08)

<b>ITO-13(2)(4)</b> R.No.146B, 1 <sup>st</sup> Floor Aaykar Bhawan M.K.Road, Mumbai – 400 020	<b>बनाम/ Vs.</b>	<b>M/s Sundial Creative Media Pvt. Ltd.</b> C/o Osource India Pvt. Ltd. Unit 4, B Wing, 5 <sup>th</sup> Floor Phoenix House, 462 Senapati Bapat Marg, Mumbai – 400 013
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. <b>AAJCS-3986-K</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Assessee by</b>	:	Shri R.N.Vasani – Ld. AR
<b>Revenue by</b>	:	Shri Gurbinder Singh-Ld. DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	21/04/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	03/05/2021

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by revenue for Assessment Year [AY] 2007-08 contest the order of Ld. Commissioner of Income-Tax (Appeals)-21, Mumbai [CIT(A)] dated 30/08/2019 which has deleted the penalty of Rs.11 Lacs u/s 271(1)(c) as levied by Ld. AO vide penalty order dated 29/01/2019.

2. The Ld. AR, at the outset, submitted that the quantum of penalty under dispute is below prescribed threshold limit of Rs.50 Lacs and therefore, the revenue's appeal is 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 quantum of penalty under dispute is below threshold monetary limit of Rs.50 Lacs and therefore, the appeal is 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 appeal is not maintainable.

4. In view of the foregoing, the appeal stand dismissed. However, a liberty is given to revenue to seek recall of the appeal, 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 appeal exceeds the prescribed monetary limit.

5. Resultantly, the appeal stands dismissed.

*Order pronounced on 3<sup>rd</sup> May, 2021.*

*Sd/-*

**(Mahavir Singh)**

**उपाध्यक्ष / Vice President**

*Sd/-*

**(Manoj Kumar Aggarwal)**

**लेखा सदस्य / Accountant Member**

मुंबई Mumbai; दिनांक Dated : 03.05.2021  
*Sr.PS, Jaisy Varghese*

**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.