

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

I.T.A. No. 4379/Mum/2017 (Assessment Year 2009-10)

ACIT-4(3)(1) Room No. 649 6 th Floor Aayakar Bhavan M.K. Road Mumbai-400 020.	Vs.	M/s. Qmax Synthetics Pvt. Ltd. 5-B/174, Sanjay Building Mittal Industrial Estate Andheri Kurla Road Andheri, East Mumbai-400 059. PAN : AAACQ0206D
(Appellant)		(Respondent)

Assessee by	Shri Ashok Bansal
Department by	Ms. Amrita Singh
Date of Hearing	12.04.2021
Date of Pronouncement	03.05.2021

ORDER

Per Shamim Yahya (AM) :-

This appeal by the revenue is directed against order of learned CIT(A) dated 15.3.2017 and pertains to assessment year 2009-10.

2. The grounds of appeal read as under :-

1. "On the facts and in the circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to delete the addition made towards unexplained unsecured loan of Rs.66,00,000/- u/s.68 of the I.T.Act."

2. "On the facts and in the circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to delete the addition made towards interest claimed to be paid on unexplained unsecured loan of Rs.21,67,461/- u/s.69C of the I.T.Act."

3. "On the facts and in the circumstances of the case and in law, the Ld. CIT(A) has erred in not appreciating the facts of the case that the assessee has failed to prove the identity, genuineness and creditworthiness of lender parties, invested as share application money in the assessee company."

3. At the outset it is noted that that the tax effect in this case is below the limit of Rs. 50,00,000/- fixed by the CBDT vide Circular No. 17/2019 dated

8.8.2019 for filing appeal before the ITAT. Hence this appeal by the revenue is not maintainable.

4. Ld DR could not dispute that the tax effect is below the said limit. She could not point out that the appeal falls in any of the exceptions carved in said circular.

5. 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. The revenue will have liberty to seek restoration of the appeal if the tax effect is found to be beyond the above limit.

6. Accordingly the appeal stands dismissed as such.

Pronounced in the open court on 3.5.2021.

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Sd/-
(SHAMIM YAHYA)
ACCOUNTANT MEMBER

Mumbai; Dated : 03/05/2021

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

PS