

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

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER AND  
SHRI AMARJIT SINGH, JUDICIAL MEMBER**

**ITA NO. 2986/MUM/2019** : **A.Y : 2014-15**

Asstt. Commissioner of Income Tax – 28(3), Mumbai.  
(Appellant)

Vs. M/s. Shree Mukund Associates  
1/2 Shakti Arcade, Plot – 5, Sector  
19D, Vashi, Navi Mumbai 400 705.  
**PAN : ABFFS7517N** (Respondent)

**Appellant by** : **Shri T.S. Khalsa, Sr. AR**

**Respondent by** : **None**

**Date of Hearing** : **24/02/2021**

**Date of Pronouncement** : **19/05/2021**

**ORDER**

**PER SHAMIM YAHYA, AM :**

This appeal by the Revenue is directed against the order of learned Commissioner of Income Tax (Appeals) - 26, Mumbai (in short 'the CIT(A)') dated 08.02.2019 and pertains to Assessment Year 2014-15.

2. The grounds of appeal read as under :-

*"(1) Whether on the facts and in the circumstances of the case and in law, the Ld. CIT(A) has erred in deleting the addition of notional rent @ 8% of the closing stock amounting to Rs.1,21,69,745/- made by A.O rely on the decision of Hon'ble ITAT G Bench Mumbai dated 27.06.2018 in the case of Arihant Estates Pvt. Ltd. ?*

*(2) Whether on the facts and in the circumstances of the case and in law, the Ld. CIT(A) has erred in deleting the addition of notional rent @ 5% profit estimated on*

*land value amounting to Rs.11,67,985/- by holding that the method of accounting adopted by the assessee needs no intervention ?*

*(3) The appellant prays that the order of Ld. CIT(A) on the above grounds be reversed and that of the Assessing Officer be restored."*

3. At the outset, it is noted 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 08.08.2019 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. He 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.

Order pronounced under Rule 34(4) of ITAT Rules on 19<sup>th</sup> May, 2021.

Sd/-  
(AMARJIT SINGH)  
JUDICIAL MEMBER

Sd/-  
(SHAMIM YAHYA)  
ACCOUNTANT MEMBER

Mumbai, Date : 19<sup>th</sup> May, 2021

\*SSL\*

Copy to :

- 1) The Appellant
- 2) The Respondent
- 3) The CIT(A) concerned
- 4) The CIT concerned
- 5) The D.R, "G" Bench, Mumbai
- 6) Guard file

By Order

Dy./Asstt. Registrar  
I.T.A.T, Mumbai