

**IN THE INCOME TAX APPELLATE TRIBUNAL (VIRTUAL COURT)
"F" BENCH, MUMBAI**

**BEFORE SHRI C.N. PRASAD, HON'BLE JUDICIAL MEMBER AND
SHRI MANOJ KUMAR AGGARWAL, HON'BLE ACCOUNTANT MEMBER**

ITA No. 6899/MUM/2019 (A.Y: 2010-11)

Dy.CIT-1(3)(2) Room No. 540, 5 th Floor Aayakar Bhavan, M.K. Road Mumbai	v.	M/s. Uni Deritend Limited. 3 rd floor, Liberty Building Sir Vithaldas Thackersey Marg New Marine Lines, Mumbai 400020 PAN: AAACU0028K
(Appellant)		(Respondent)

Assessee by	:	Shri Sanjay Parikh
Department by	:	Shri Rajesh K. Yadav
Date of hearing	:	22.06.2021
Date of pronouncement	:	22.06.2021

ORDER

PER C.N. PRASAD (JM)

This appeal is filed by the Revenue against the order of the Learned Commissioner of Income Tax (Appeals)-3, Mumbai [hereinafter in short "Ld.CIT(A)"] in Appeal No. CIT(A)-3/IT-10357/2017-18 dated 26.08.2019 for the Assessment Year 2010-11.

2. Revenue has raised the following ground in its appeal: -

"1) On the facts and in the circumstances of the case and in law, the Ld. CIT(A) erred' in deleting the disallowance made u/s. 14A of the Income Tax Act r.w. Rule 8D(2)(ii) ignoring the fact that the CBDT has issued circular No.

5 of 2014 dated 11.02.2014, wherein, it was clarified that Rule 8D read with section 14A of the Act provides for disallowance of the expenditure even where tax payer in a particular year has not earned any exempt income. "

3. At the time of hearing of appeal virtually, Authorized Representative of the assessee submitted that tax effect on the issue in the present appeal is below ₹.50 Lacs and in view of the CBDT Circular No. 17/2019 dated 08.08.2019 in F.No.279/Misc.142/2007-ITJ (Pt), the appeal of the Revenue is not maintainable.

4. Departmental Representative also agreed with the above submission of the Authorized Representative of the assessee.

5. We have heard the submissions and perused the grounds of appeal in this appeal. We find that the tax effect in this appeal is less than ₹.50 Lakhs and therefore the appeal of the Revenue is not maintainable on account of low tax effect in view of the CBDT Circular No. 17/2019 dated 08.08.2019. Hence this appeal is dismissed.

6. In the result, appeal of the Revenue is dismissed.

Order pronounced in the virtual court on 22.06.2021

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Mumbai / Dated 22.06.2021
Giridhar, Sr.PS

Sd/-
(C.N. PRASAD)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mum