

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCHES "C", MUMBAI**

BEFORE SHRI SAKTIJIT DEY (JM) & SHRI S. RIFAUZ RAHMAN (AM)

**ITA No. 791/MUM/2020
Assessment Year: 2008-09
&
ITA No. 793/MUM/2020
Assessment Year: 2009-10**

Asst. Commissioner of Income Tax, Central Circle 1(3), 905, 9 th Floor, Prathishtha Bhavan, Old C.G.O. Bldg., (Annexe), M.K. Road, Mumbai - 400020	Vs.	M/s Poonam Builders, 66B, 3 rd Floor, Poddar Chambers, 22E Sayed Abdulla Barelvi Road, Fort, Mumbai - 400001 PAN: AAGFP9870P
(Appellant)		(Respondent)

Revenue by : Shreekala Pardeshi (DR)

Assessee by : Varsha Bhatler (AR)

Date of Hearing : 18/08/2021

Date of Pronouncement: 18/08/2021

ORDER

PER BENCH

Captioned appeals by the revenue in respect of the same assessee arise out of a common order dated 08.11.2019 of learned Commissioner of Income Tax (Appeals)- 47, Mumbai for the assessment years 2007-08, 2008-09, 2009-10 and 2011-12. However, presently we are concerned with assessment years 2008-09 and 2009-10.

2. At the outset, learned Authorized Representative of the assessee submitted that the tax effect on the amount disputed by the revenue in the present appeals are below the monetary limit of Rs. 50 lacs as per the Circular

No. 17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes (CBDT). Further, she submitted, the appeals are not protected by any of the exceptions to the aforesaid circular.

3. Learned Departmental Representative fairly agreed with the aforesaid submissions of the learned Authorized Representative.

4. Having considered rival submissions and perused the materials on record, we find that the tax effect on the amount disputed by the revenue in the present appeals are below the monetary limit of Rs. 50 lacs, the threshold limit fixed by CBDT in Circular No. Circular No. 17/2019 dated 08.08.2019 for filing appeal before the Tribunal. It is also a common point between the assessee and the revenue that the appeals are not protected by any of the exceptions to the aforesaid circular.

5. In view of the aforesaid, we treat the appeals as deemed to have been withdrawn, hence dismissed.

6. In the result, appeals are dismissed.

Order pronounced in the open court on 18th August, 2021.

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated: 18/08/2021

Alindra, PS

आदेश प्रतिलिपि अग्रेषित/ Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त (अपील) / The CIT(A)-

4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई /
DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / **ITAT, Mumbai**