

आयकर अपीलिय अधिकरण
मुंबई पीठ "डी", मुंबई

श्री जी. एस. पन्नू, अध्यक्ष एवं
श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष
IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "D", MUMBAI
BEFORE SHRI G. S. PANNU, PRESIDENT &
SHRI VIKAS AWASTHY, JUDICIAL MEMBER
आअसं. 2730/मुं/2011 (नि.व.2007-08)
ITA NO.2730/MUM/2011 (A.Y.2007-08)

DCIT-2(3),

Room No. 555, Aayakar Bhavan,

M.K. Road, Mumbai-400020

..... अपीलार्थी / Appellant

बनाम Vs.

M/s Raymond Ltd.,

New Hind House,

Ballard Estate, Mumbai-400001

PAN: **AAACR4896A**

..... प्रतिवादी / Respondent

आअसं. 4447/मुं/2012 (नि.व.2008-09)

ITA NO.4447/MUM/2012 (A.Y.2008-09)

Asst. CIT, CC-44,

Room No. 656, 6th Floor,

Aayakar Bhavan,

M.K. Road, Mumbai-400020

..... अपीलार्थी / Appellant

बनाम Vs.

M/s Raymond Ltd.,

New Hind House,

N.M. Road, Mumbai-400001

PAN: **AAACR4896A**

..... प्रतिवादी / Respondent

अपीलार्थी द्वारा/ Appellant by : Sh. Amol Kirtane, CIT-Dr

प्रतिवादी द्वारा/ Respondent by : Sh. Vijay Mehta

सुनवाई की तिथि/ Date of hearing : 15/12/2021
घोषणा की तिथि/ Date of pronouncement : 15/12/2021

आदेश/ ORDER

These two appeals by the Revenue are directed against the orders of Commissioner of Income Tax (Appeals)-6, Mumbai [hereinafter referred to as 'the CIT(A)'] for the AY 2007-08 dated 27.01.2011 and for the AY 2008-09 dated 23.04.2012, respectively.

2. Sh. Vijay Mehta appearing on behalf of the assessee submitted at the outset that both the aforesaid appeals by the Revenue are liable to be dismissed on account of low tax effect in the light of CBDT Circular No. 17/2019 dated 08.08.2019. The Id. Authorized Representative (AR) pointed that in appeal for AY 2007-08, the Revenue has raised solitary ground assailing Fair Market Value determined by the CIT(A) after loading the benefit of Central Air Conditioning Facility. The disputed amount is Rs. 20,01,714/- against which the Revenue is in appeal. In AY 2008-09, the Revenue has raised identical ground as was raised in AY 2007-08 and the amount in dispute is Rs. 33,87,516/-. The tax effect involved in both these appeals is less than the monetary limit specified by the Board for filing of appeals before the Tribunal in the aforementioned Circular.

3. Sh. Amol Kirtane representing the department fairly admitted that the tax effect involved in both these appeals is less than the threshold limit specified by the Board for filing of appeals before the Tribunal vide Circular No. 17/2019 (supra).

4. Both sides heard. Undisputedly, tax effect involved in the appeal by the Revenue for AY 2007-08 & 2008-09 is less than the monetary limit specified by CBDT in its Circular No. 17/2019 (supra). Since, both these appeals suffer from low tax effect, these appeals are liable to be dismissed, as such. We hold and direct accordingly.

5. In the result, appeal by the Revenue for AYs 2007-08 & 2008-09 are dismissed.

Order pronounced in the open court on **Wednesday**, the **15th** day of December, 2021.

Sd/-
 (G.S. PANNU)

Sd/-
 (VIKAS AWASTHY)

अध्यक्ष / PRESIDENT

न्यायिक सदस्य/JUDICIAL MEMBER

मुंबई/Mumbai, दिनांक/Dated: 15/12/2021

SK, PS

प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त (अ) / The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि. , मुंबई/DR, ITAT,
Mumbai
6. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Dy./Asstt. Registrar)
ITAT, Mumbai