

IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, MUMBAI

BEFORE SHRI PRAMOD KUMAR, VICE PRESIDENT AND
SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No. 2495/Mum./2021
(Assessment Year : 2014-15)

Dy. Commissioner of Income Tax
Circle-1(2)(1), Mumbai

..... Appellant

v/s

Brightstar Syntex Pvt. Ltd.
111/5A, Mittal Industrial Estate
Sir M.V. Road, Andheri, Mumbai 400 059
PAN - AABCB9497L

..... Respondent

Assessee by : Shri Vimal Punmiya, C.A.
Revenue by : Shri C.T. Mathews, Sr. A.R.

Date of Hearing - 04.05.2022

Date of Order - 06/06/2022

ORDER

PER SANDEEP SINGH KARHAIL, J.M.

The present appeal has been preferred by the Revenue challenging the order dated 17/10/2021, passed under section 250 of the Income Tax Act, 1961 ("*the Act*") by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, for the assessment year 2014-15.

2. At the outset, the learned A.R. appearing for the assessee submitted that vide impugned order disallowance of Rs. 4,04,711 was deleted and thus, the tax effect on the amount disputed by the Revenue is below the revised monetary limit of Rs.50 lakh applicable to appeals before the Tribunal, as per CBDT Circular no.17 of 2019, dated 8th August 2019. Further, he submitted, none of the exceptions provided in CBDT Circular no.3 of 2018, dated 11th July 2018 r/w circular F. no.279/Misc./142/2007-ITJ-(Pt) dated 20th August 2018, would apply to Revenue's appeal. Thus, the learned A.R. submitted that Revenue's appeal being covered under the aforesaid Circulars is not maintainable.

3. The learned Departmental Representative could not produce any material before us to controvert the submission so made on behalf of the assessee.

4. Having considered the submissions and perused the material available on record, we are of the view that the tax effect on the amount disputed by the Revenue in the present appeal is below the revised monetary limit of Rs. 50 lakh as per CBDT Circular no.17/2019, dated 8th August 2019, r/w CBDT Circular no.3/2018, dated 11th July 2018, r/w circular F. no.279/Misc./142/2007-ITJ-(Pt) dated 20th August 2018. In view of the aforesaid, Revenue's appeal deserves to be dismissed. However, the Revenue is given liberty to seek recall of this order if, at a later point of time, it is found that the appeal falls under any of the exceptions provided in the Circulars referred to above.

5. In the result, appeal by the Revenue appeal is dismissed.
Order pronounced in the open court on 06/06/2022

Sd/-
PRAMOD KUMAR
VIDE PRESIDENT

Sd/-
SANDEEP SINGH KARHAIL
JUDICIAL MEMBER

MUMBAI, DATED: 06/06/2022

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The CIT(A);*
- (4) *The CIT, Mumbai City concerned;*
- (5) *The DR, ITAT, Mumbai;*
- (6) *Guard file.*

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Assistant Registrar
ITAT, Mumbai