

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

SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER  
SHRI RAHUL CHAUDHARY, JUDICIAL MEMBER

ITA No. 2463/MUM/2021  
(ASSESSMENT YEAR: 2012-13)

The Income Tax Officer (Exemption),  
Ward – 2(3), Mumbai,  
Room NO. 617, 6<sup>th</sup> Floor,  
MTNL Building, Cumballa Hill,  
Peddar Road, Mumbai - 400026

..... Appellant

Vs

Sai Shiva Educational Trust,  
Ground Floor, Amar Mahal,  
Near Chandan Cinema, A.D. Road,  
Juhu, Mumbai - 400049  
[PAN: AAATS2744P]

..... Respondent

Appearances

For the Appellant/Department : Shri Harmesh Lal  
For the Respondent/Assessee : Shri D.C. Jain

Date of conclusion of hearing : 17.05.2022  
Date of pronouncement of order : 04.08.2022

**ORDER**

**Per Rahul Chaudhary, Judicial Member:**

1. By way of the present appeal the Revenue has challenged the order, dated 29.10.2021 passed by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeals Centre, Delhi [hereinafter referred to as 'the CIT(A)'] for the Assessment Year 2012-13, whereby the CIT(A) had allowed the appeal filed by the Assessee against the Assessment Order, dated 12.03.2015 passed under Section 143(3) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act').
2. When the appeal was taken up for hearing the Ld. Authorised Representative for the Assessee, at the outset, submitted that the tax

effect in the said appeal is less than INR 50,00,000/- and therefore, in view of Circular No. 17/2019, dated 08.08.2019, issued by the Central Board of Direct Taxes (CBDT) the appeal be dismissed.

3. We note that according to the Circular No. 17 of 2019, dated 08.08.2019, issued by the CBDT the monetary limit for filing departmental appeals before the Tribunal stands enhanced and departmental appeals are not be filed before the Tribunal in cases where the tax effect does not exceed the specified monetary limits of INR 50,00,000/-. We have perused the record. The Assessing Officer has assessed income of the Assessee at INR 1,30,61,720/- as against 'Nil' returned income. The tax effect in the present appeal is below the aforesaid specified monetary limit and therefore, the present appeal is dismissed as '*withdrawn/not pressed*' in terms of the above-said circular with the liberty to the Revenue to file Miscellaneous Application seeking recall the present order within time limit prescribed in the Act in case on re-verification the Revenue comes to a conclusion that the tax effect is higher than the above-said specified monetary limit, or the appeal falls within the exception clauses contained in Circular No.3/2018, dated 11-7-2018 as amended by the letter [F.No.279/ Misc.142/2007-ITJ (PT)], dated 20-8-2018.
4. In result, appeal filed by the Revenue is dismissed as withdrawn. Order pronounced on 04.08.2022.

*Sd/-*

(Prashant Maharishi)  
Accountant Member

*Sd/-*

(Rahul Chaudhary)  
Judicial Member

मुंबई Mumbai; दिनांक Dated : 04.08.2022  
*Alindra, PS*

**आदेश की 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