

IN THE INCOME TAX APPELLATE TRIBUNAL
“B” BENCH, MUMBAI
BEFORE SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER &
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

ITA No. 1145/Mum/2020
(A.Y: 2013-14)

ITO, Ward – 2(1)(1) Room No. 543, 5 th Floor, Aayakar Bhavan, MK Road, Mumbai – 400 020.	Vs.	M/s Balaji Infra Projects Ltd., 6 th Floor, new Excelsior Bldg, AK Nayak Marg, Fort Mumbai – 400 001.
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AAACB2055M		
Appellant	..	Respondent

Appellant by :	Shri Chetan M. Kacha, DR
Respondent by :	Shri Sujay Waikul.AR

Date of Hearing	15.11.2022
Date of Pronouncement	15.11.2022

आदेश / O R D E R

PER PAVAN KUMAR GADALE JM:

The revenue has filed the appeal against the order passed by the Commissioner of Income Tax (Appeals)-4, Mumbai passed u/s 143(3) and 250 of the Act.

2. At the time of hearing, the Ld.AR of the assessee submitted that the tax effect in the appeal is below Rs.50 lakhs and is covered by the CBDT Circular No. 17/2019 dated 08.08.2019. The Ld.DR has accepted the low tax effect aspects and applicability of CBDT circular. We find

as per the CBDT Circular dated 08.08.2019, no appeal shall be filed by the revenue before the Hon'ble Tribunal where the tax effect is below Rs 50 lakhs. Further the circular of the CBDT is also applicable to the pending cases. Accordingly, we dismiss the revenue appeal on maintainability and low tax effect.

3. In case, if the revenue is able to provide evidence that the case falls under any of the exceptions provided in the circular issued by the CBDT. The revenue may prefer miscellaneous application for recalling of this order, if they so desire, in which circumstances, this order shall be recalled by the Hon'ble Tribunal.

4. In the result, the appeal filed by the revenue is dismissed.

Order pronounced in the open court on 15.11.2022.

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Mumbai, Dated 15.11.2022

KRK, PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.

3. संबंधित आयकर आयुक्त / The CIT(A)
4. आयकर आयुक्त(अपील) / Concerned CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

आदेशानुसार / BY ORDER,

सत्यापित प्रति //True Copy//

1.

(Asst. Registrar)
ITAT, Mumbai