

IN THE INCOME TAX APPELLATE TRIBUNAL, "B" BENCH  
MUMBAI  
BEFORE SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER &  
MS PADMAVATHY S, ACCOUNTANT MEMBER

I T A. No. 4122/MUM/2023  
(A.Y.2014-15)

ACIT-5(3)(1), Room No.573, 5 <sup>th</sup> Flr,Aaykar Bhavan, M.K.Road, Mumbai-400020.	Vs.	Bharat Kanaiyalal Sheth 19,B,Manek, 11LD Rupare Marg, Napean Sea Road, Mumbai-400006.
PAN/GIR No. AAQPS2482L		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

C.O. No.32/MUM/2024  
(A.Y.2014-15)

Bharat Kanaiyalal Sheth 19,B,Manek, 11LD Rupare Marg, Napean Sea Road, Mumbai-400006.	Vs.	ACIT-5(3)(1), Room No.573, 5 <sup>th</sup> Flr,Aaykar Bhavan, M.K.Road, Mumbai-400020.
PAN/GIR No. AAQPS2482L		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)
Appellant/Respondent	Shri.Laxmi Kant.Sr.DR	
Respondent/Appellant	Shri.M.M.Golvala.AR	

सुनवाई की तारीख/Date of Hearing	06.05.2024
घोषणा की तारीख/Date of Pronouncement	08.05.2024

**ORDER**

**PER PAVAN KUMAR GADALE, JM:**

The revenue has filed the appeal against the order of the National Faceless Appeal Centre, Delhi, (NFAC)/ CIT(A)

passed under section 143(3) r.w.s 147 and u/sec 250 of the Act and the assessee has filed the Cross Objections.

2. At the time of hearing, it was brought to the knowledge of the bench, 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. Since the revenue appeal is dismissed and the Cross Objections filed by the assessee becomes in fructuous.

5. In the result, the appeal filed by the revenue and Cross Objections filed by the assessee are dismissed.

Order pronounced in the open court on 08.05.2024.

Sd/-  
**(MS. PADMAVATHY S)**  
**ACCOUNTANT MEMBER**

Sd/-  
**(PAVAN KUMAR GADALE)**  
**JUDICIAL MEMBER**

Mumbai, Dated: 08/05/2024

KRK

**Copy of the Order forwarded to:**

1. The Appellant,
2. The Respondent
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,  
(Dy./Asstt. Registrar)ITAT,  
Mumbai