

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "A", MUMBAI**

**BEFORE SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER**

**AND**

**SHRI SANDEEP SINGH KARHAIL, HON'BLE JUDICIAL MEMBER**

**ITA NO. 2763/MUM/2023 (A.Y: 2010-11)**

<b>DCIT – 15(1)(2)</b> Room No. 126-B, 1 <sup>st</sup> Floor Aayakar Bhavan, Mumbai -400020	v.	<b>M/s. Luxora Infrastructure Pvt., Ltd.,</b> Unit No. 150, Avior Corporate Park Nirmal Galaxy LBS Road Mulund (West), Mumbai -400080  <b>PAN: AABCL2854K</b>
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee Represented by</b>	<b>:</b>	<b>Shri Rohithaksha Devadiga</b>
<b>Department Represented by</b>	<b>:</b>	<b>Shri Ajay Chandra</b>
<b>Date of conclusion of Hearing</b>	<b>:</b>	<b>16.05.2024</b>
<b>Date of Pronouncement</b>	<b>:</b>	<b>16.05.2024</b>

**ORDER**

**PER NARENDRA KUMAR BILLAIYA (AM)**

1. This appeal by the revenue is preferred against the order dated 08.06.2023 by National Faceless Appeal Centre, Delhi [hereinafter in short "Ld. CIT(A)"] pertaining to A.Y.2010-11.

2. The Solitary grievance of the revenue is that the Ld. CIT(A) erred in deleting the addition of ₹.1,18,29,500/- made by the Assessing Officer under section 68 of Income-tax Act, 1961 (in short "Act") on account of share application money.

3. A perusal of the aforementioned grievance show that the tax effect would be less than ₹.50 Lakhs. Therefore, this appeal by the revenue has to be dismissed in the light to of the CBDT Circular No. 5 of 2024 dated 15.03.2024 by which the Board has prescribed the limit for filing the appeal by the revenue before the Tribunal where tax effect is more than ₹.50 Lakhs. In the light of the CBDT Circular the appeal is dismissed.

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

Order pronounced in the open court on 16<sup>th</sup> May, 2024.

**Sd/-**  
**(SANDEEP SINGH KARHAIL)**  
**JUDICIAL MEMBER**

Mumbai / Dated 16.05.2024  
Giridhar, Sr.PS

**Sd/-**  
**(NARENDRA KUMAR BILLAIYA)**  
**ACCOUNTANT MEMBER**

**Copy of the Order forwarded to:**

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER

(Asstt. Registrar)  
**ITAT, Mum**