

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

BEFORE SHRIAMARJIT SINGH, ACCOUNTANT MEMBER AND
SHRI ANIKESH BANERJEE, JUDICIAL MEMBER

I.T.A No.221/Mum/2024
(Assessment Year 2010-11)

DCIT-1(1)(1), Mumbai 579, Aayakar Bhavan M.K. Road, Mumbai	vs	Arenja Industries Pvt Ltd 507,Sharda Chambers, 15, New Marine Lines, Mumbai-400 020 PAN : AAACA3369F
APPELLANT		RESPONDENT

C.O. No.58/Mum2024
(Arising out of I.T.A No.221/Mum/2024)
(Assessment Year 2010-11)

Arenja Industries Pvt Ltd 507,Sharda Chambers, 15, New Marine Lines, Mumbai-400 020 PAN : AAACA3369F	vs	DCIT-1(1)(1), Mumbai 579, Aayakar Bhavan M.K. Road, Mumbai
APPELLANT		RESPONDENT

Assessee by : Shri Rahul Hakani
Respondent by : Shri Manoj Kumar Sinha(CIT DR)

Date of hearing : 16/07/2024
Date of pronouncement : 25/ 07/2024

ORDER

PER ANIKESH BANERJEE, J.M:

The instant appeal of the revenue and cross objection by the assessee were filed against the order of the Learned Commissioner of Income-tax (Appeal)-51, Mumbai [for brevity, 'Ld.CIT(A)'] passed under section 250 of the Income-tax Act, 1961 (in short, 'the Act'), for Assessment Year 2010-11, date of order 07.11.2023. The impugned order was emanated from the order of the Id. Income-tax Officer 1(1)(3), Mumbai (in short, 'the A.O.') passed under section 143(3) r.w.s. 147 of the Act, date of order 31/03/2016.

2. Both the parties before us mutually agreed that this revenue appeal is to be dismissed as not maintainable in view of the Circular issued by the **CBDT Circular 17/2019 dated 08/08/2019, F.No.279/Misc. 142/2007-ITJ(Pt.)** wherein the revenue has been directed to withdraw the appeal preferred by it before the Tribunal if the tax effect on the disputed issues is less than or equal to Rs.50,00,000/-. The Id. AR submitted the tax effect amount Rs. 48,94,560/- for impugned assessment year. It is well settled that this Circular is binding on the revenue authorities.

3. Respectfully following the said Circular, the appeal filed by the revenue is dismissed as not maintainable.

4. 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, then the revenue may prefer miscellaneous application for recalling of this order, if they so desire, in which circumstance, this order shall be recalled by this Tribunal.

5. As a consequence, the cross objection filed by the assessee is also dismissed.

6. **In the result**, the appeal filed by the revenue **ITA No. 221/Mum/2024** is dismissed and the cross objection filed by the assessee **CO 58/Mum/2024** is also dismissed.

Order pronounced in the open court on 25th day of July, 2024.

Sd/-

(AMARJIT SINGH)
ACCOUNTANT MEMBER
Mumbai, दिनांक/Dated: 25/07/2024
Pavanan

sd/-

(ANIKESH BANERJEE)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त CIT
4. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
5. गार्डफाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar), ITAT, Mumbai