

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

**BEFORE SHRI AMARJIT SINGH, HON'BLE ACCOUNTANT MEMBER
AND SHRI ANIKESH BANERJEE, HON'BLE JUDICIAL MEMBER**

ITA No.4544/Mum/2023

Assessment Year: 2014-15

| | | |
|----------------------|----|--|
| ITO 41(2)(5), Mumbai | | Saptashrunji Co-operative Credit Society Limited |
| | vs | B 8, Basant Kour Villa, Tank Road, Bhandup, Mumbai-400078, Maharashtra |
| | | PAN: AADAS 4332 F |
| (Appellant) | | (Respondent) |

Present for:

Assessee by : Ms. Darshana Chordia
Revenue by : Dr. Kishor Dhule, CIT/DR

Date of Hearing : 31.07.2024

Date of Pronouncement : 29.08.2024

ORDER

PER AMARJIT SINGH, AM:

The present appeal filed by the Revenue is directed against the order dated 06.12.2023 of the Pr. Commissioner of Income Tax-41, Mumbai for Assessment Year 2014-15.

2 It is seen, at the outset, that the tax effect on the disputed additions before us is less than Rs.50 lacs as the prescribed in the CBDT's latest Circular No.17/2019 dated 08.08.2019. It will be pertinent to reproduce the relevant portion of the said Circular as follows:-

"2 . As a step toward further management of litigation, it has been decided by the Board that monetary limits for filing of appeals in income-tax cases be enhanced further through amendment in Para 3 of the Circular mentioned above and accordingly, the table for monetary limits specified in Para 3 of the Circular shall read as follows:

| S.No. | Appeals/SLPs in Income-tax matters | Monetary Limit (Rs.) |
|-------|------------------------------------|----------------------|
| 1. | Before Appellate Tribunal | 50,00,000 |

| | | |
|----|-----------------------------|-------------|
| 2. | <i>Before High Court</i> | 1,00,00,000 |
| 3. | <i>Before Supreme Court</i> | 2,00,00,000 |

2.1 We find that intention behind the Circular No.17/2019 dated 08.08.2019 needs to be understood in the following perspective:-

3. Further, with a view to provide parity in filing of appeals in scenarios where separate order is passed by higher appellate authorities for each assessment year vis-à-vis where composite order for more than one assessment year is passed, para 5 of the circular is substituted by the following para:

*“5. The Assessing Officer shall calculate the tax effect separately for every assessment year in respect of the disputed issues in the case of every assessee. if, the case of an assessee, the disputed issues arise in more than one assessment year, appeal can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issues exceeds the monetary limit specified in **para 3**. No. appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. Further, even in the case of composite order of any High Court or appellate authority which involves more than one assessment year and common issues in more than one assessments year, no appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. In case where a composite order/judgment involves more than one assessee, each assessee shall be dealt with separately.”*

2.2. On perusal of the Circular No.17/2019 dated 08.08.2019 and the materials available on record, it reveals that this circular makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals as well. Hon’ble apex court in Commissioner of Customs vs. Indian Oil Corporation Ltd reported in 267 ITR 272 (SC) has settled the law that CBDT’s circulars are very much binding on revenue authorities.

3. The ld. DR has also fairly stated that tax effect involved in appeal is less than the prescribed limit.

4. In view of above stated position, the appeal of the Revenue is dismissed because of low tax effect than the prescribed limits as per CBDT Circular No.17/2019 (supra).

Order pronounced in the open court on 29.08.2024

Sd/-

**(ANIKESH BANERJEE)
JUDICIAL MEMBER**

Sd/-

**(AMARJIT SINGH)
ACCOUNTANT MEMBER**

Mumbai: 29.08.2024
Biswajit, Sr. P.S.

Copy to:

1. The Appellant:
2. The Respondent:
3. The CIT,
4. The CIT (A)
5. The DR .

//True Copy//

By Order

Assistant Registrar
ITAT, Mumbai Benches, Mumbai