

**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH “C”, MUMBAI
BEFORE SHRI. NARENDRA KUMAR BILLAIYA, ACCOUNTANT
MEMBER
AND
SHRI. RAJ KUMAR CHAUHAN, JUDICIAL MEMBER**

ITA NO. 4418/MUM/2024 (A.Y: 2016-17)

Income Tax Officer (E)-2(2) Vs. Old Girtonians Association
Room No. 616, 6th Floor, MTNL Property Fund
Telephone Exchange Building, C/o. Girton High School,
Cumballa Hill, Mumbai – 400026. Wimbridge Compound, N.
Bharucha Marg, Grant Road,
(W), Mumbai – 400007.

PAN: AAAT00002G

(Appellant)

(Respondent)

Assessee Represented by : Shri. Bharat Kumar
**Department Represented by : Shri. Krishna Kumar (Sr.
DR.)**
Date of conclusion of Hearing : 15.10.2024
Date of Pronouncement : 15.10.2024

ORDER

PER RAJ KUMAR CHAUHAN (J.M.):

1. This appeal is filed by the appellant/assessee against the order dated 02.07.2024 of Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as the



“CIT(A)”), passed under section 250 of the Income Tax Act, 1961 [hereinafter referred to as “the Act”] for the A.Y. 2016-17.

2. The department is in appeal before us and has raised following grounds of appeal:

1. *“Whether, on the facts and in the circumstances of the case and in law, the Hon’ble CIT(A) was justified in quashing the proceedings u/s 148 of the Act in view of the case being re-opened in light its activities of the assessee involved in the 7th limb which attracts proviso to section 2(15) and the assessee is not entitled to exemption u/s 11 of the Act?”*
2. *Whether, on the facts and in the circumstances of the case and in law, the Hon’ble CIT(A) was justified in giving relief and quashing the proceedings u/s 148 of the Act on the basis the assessee would have to suffer double taxation in view of the exempt amount offered for taxation in view of failure to utilize the exempt proceeds accumulated within the statutory time limit required by law?*
3. *Whether, on the facts and in the circumstances of the case and in law, the Hon’ble CIT(A) was justified in quashing the proceedings u/s 148 of the Act considering them as change of opinion when on facts and circumstance the case which has been re-opened on the basis of fresh interpretation of law with respect to the proviso to section 2(15) of the Act in the judgement by the Hon’ble Supreme Court in in ACIT (Exemptions) Vs. Ahmedabad Urban Development Authority [2022] 143 taxmnn.com 278(SC).?”*

3. During the arguments, the Ld. DR very fairly submitted that the department appeal has become infructuous by virtue of circular no. 9/2024 dated 17.09.2024, wherein the monetary limit for tax effect for filing appeal before Income Tax Appellate Tribunal has been raised upto Rs. 60 lacs. It is submitted that the tax effect in this appeal is below 60



lacs and as such the appeal has become infructuous and same may be disposed off accordingly.

4. We have also heard the Ld. AR on behalf of the assessee, who has supported the submissions of the Ld. DR, and stated that since the appeal is not maintainable and has become infructuous.
5. We have considered the submissions and examined the record. In view of the enhancement of the monetary limit for filing the departmental appeal wherein the tax effect for filing the appeal should be Rs. 60 Lacs or above and the tax effect in this appeal has been shown to be Rs. 57,92,897/-; in view of these facts and the submissions made by the Ld. DR, the appeal filed by the department is accordingly dismissed having become infructuous.
6. In the result, appeal filed by the department is accordingly dismissed having become infructuous.

Order pronounced on 15.10.2024

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

Sd/-
(RAJ KUMAR CHAUHAN)
(JUDICIAL MEMBER)

Mumbai / Dated 15.10.2024
Karishma J. Pawar, (Stenographer)



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, Mumbai