

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

BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER
AND
SHRI ANIKESH BANERJEE, JUDICIAL MEMBER

| ITA No. | A.Y. | Appellant | Respondent |
|----------------|-------------|--|--|
| 5435/Mum/2024 | 2013-14 | ACIT, Circle-22(1), Piramal Chambers, Lalbaugh, Mumbai. | Abbas Ismail Contactor, B-2, Mamta Apartment, Appasaheb Marathe Marg Mumbai, Prabhadevi S.O., Mumbai [PAN: ADJPC0925A] |
| 5436/Mum/2024 | 2016-17 | | |

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|----------------|------------------------------|
| For Assessee : | Shri Satish Kumar, |
| For Revenue : | Shri Suresh Periasamy, Sr.DR |

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|-------------------------|------------|
| Date of Hearing : | 28-11-2024 |
| Date of Pronouncement : | 28-11-2024 |

ORDER

PER BENCH :

Both these appeals filed by the Revenue challenging the order dt. 22-08-2024 passed by the Ld. Commissioner of Income Tax (Appeals)- National Faceless Appeal Centre (NFAC), Delhi [Ld.CIT(A)] and they relate to AYs. 2013-14 & 2016-17.

2. At the outset, the Ld.AR submitted that the tax effect involved on these issues contested by the Revenue are Rs. 39,55,200/- and 24,10,200/-; respectively for AY 2013-14 & 2016-17. Accordingly, by placing reliance on the Circular No. 09/2024 dt. 17-09-2024, issued by

the CBDT fixing the monetary limit for preferring appeal before the ITAT, the Ld.AR submitted that the above said demands are below the monetary limit of Rs. 60 lakhs prescribed in the above said circular. Accordingly, the Ld.AR submitted that the Revenue is precluded in pursuance of these appeals. Accordingly the Ld.AR prayed that both these appeals may be dismissed.

3. The Ld.DR, on the contrary, sought time to ascertain the tax effect involved in both the appeals.

4. In the rejoinder, the Ld.AR submitted that the AO himself has mentioned tax effect in the grounds of appeal filed in Form-36 and they clearly show that the tax effect involved in these appeals is less than Rs. 60 lakhs.

5. We heard the parties and perused the record. Having regard to the fact that the tax effect involved in these appeals is less than monetary limited prescribed by the CBDT circular, referred above. Accordingly, the Revenue is precluded in pursuing the appeals. Accordingly, we dismiss both the appeals. However, Liberty is granted to the Revenue to move appropriate application before the Tribunal in accordance with law for recall of this order, if it is found that the above said circulars are not applicable to these appeals or if both these appeals are covered by exceptions given in the circular No. 05/2024, dt. 15-03-2024.

6. In the result, both the appeals of the Revenue are dismissed.

Order pronounced in the open court on 28-11-2024

Sd/-
[ANIKESH BANERJEE]
JUDICIAL MEMBER

Sd/-
[B.R. BASKARAN]
ACCOUNTANT MEMBER

Mumbai, Dated: 28-11-2024

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Copy to :

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| 1. | The Appellant |
| 2. | The Respondent |
| 3. | The Pr. CIT, Mumbai concerned |
| 4. | D.R. ITAT, "A" Bench, Mumbai. |
| 5. | Guard File. |

//By Order//

//True Copy //

Dy./Asst. Registrar,
ITAT, Mumbai