

IN THE INCOME TAX APPELLATE TRIBUNAL

"F" BENCH, MUMBAI

BEFORE SHRI AMARJIT SINGH, ACCOUNTANT MEMBER

SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER

ITA No.3991/MUM/2024

(Assessment Year : 2012-13)

Dy. Commissioner of Income Tax,

Room No.535, Aaykar Bhavan,
M.K. Road, Mumbai 400020

..... Appellant

v/s

Fabtech Technologies International Ltd.

Janaki Centre, Andheri, West,
Mumbai – 400053.
PAN – AAACF5671R

..... Respondent

Assessee by : Shri Tejas Shah

Revenue by : Shri Dinesh A Chourasia, Sr.DR

Date of Hearing – 04/12/2024

Date of Order – 06/12/2024

ORDER

PER SANDEEP SINGH KARHAIL, J.M.

The Revenue has filed the present appeal against the impugned order dated 09/05/2024, passed under section 250 of the Income Tax Act, 1961 (*"the Act"*) by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [*"learned CIT(A)"*], for the assessment year 2012-13.

2. In its appeal, the Revenue has raised the following grounds: -
"1. The Ld AO is erred in adding a sum of Rs. 26, 20,546/- as bogus purchases without considering the details which the appellant company had submitted at the time of assessment proceeding.
2. The Appellant prays to delete the addition made on this account."
3. At the outset, the learned A.R., appearing for the assessee, by referring to column 10 of Form No. 36 filed by the Revenue submitted that the tax

effect relating to the ground of appeal raised by the Revenue is below the monetary limit of Rs.60 lakh, applicable to appeals before the Tribunal, as per CBDT Circular no.9 of 2024, dated 17/09/2024. Further, he submitted that none of the exceptions as provided in the aforesaid CBDT Circular would apply to Revenue's appeal. Thus, the learned A.R. submitted that Revenue's appeal being covered under the aforesaid Circular is not maintainable.

4. The learned Departmental Representative could not produce any material before us to controvert the submission so made on behalf of the assessee.

5. Having considered the submissions and perused the material available on record, we are of the view that the tax effect relating to the ground of appeal raised by the Revenue in the present appeal is below the monetary limit of Rs. 60 lakh as per CBDT Circular no.9 of 2024, dated 17/09/2024. In view of the aforesaid, Revenue's appeal deserves to be dismissed. However, the Revenue is granted the liberty to seek recall of this order if, at a later point in time, it is found that the appeal falls under any of the exceptions provided in the Circular referred to above.

6. In the result, the appeal by the Revenue is dismissed.

Order pronounced in the open Court on 06/12/2024

Sd/-
AMARJIT SINGH
ACCOUNTANT MEMBER

Sd/-
SANDEEP SINGH KARHAIL
JUDICIAL MEMBER

MUMBAI, DATED: 06/12/2024

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Mumbai; and*
- (5) *Guard file.*

By Order

Assistant Registrar
ITAT, Mumbai