

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, MUMBAI
**BEFORE SHRI D. KARUNAKARA RAO, ACCOUNTANT MEMBER AND
SHRI AMARJIT SINGH, JUDICIAL MEMBER**

I.T.A. No.5367/M/2014 (Assessment Year: **2011-2012**)

DCIT 8(2), R.No. 209 / 216A, 2 nd Floor, Aayakar Bhavan, M.K. Road, Mumbai – 400 020.	बनाम/ Vs.	M/s. Nico Extrusions Pvt Ltd, 12, Niraj Industrial Estate, Off. Mahakali Caves Road, Andheri (E), Mumbai – 93.
स्थायी लेखा सं./PAN : AAACN2104R		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओर से / Appellant by	:	Shri B. Satyanarayana Rao, DR
प्रत्यर्थी की ओर से/ Respondent by	:	Shri Paresh Shparia

सुनवाई की तारीख /Date of Hearing : 03.10.2016

घोषणा की तारीख /Date of Pronouncement : 03.10.2016

आदेश / O R D E R

PER D. KARUNAKARA RAO, AM:

This appeal filed by the Revenue on 25.08.2014 is against the order of the CIT (A)-17, Mumbai dated 16.06.2014 for the assessment year 2011-2012.

2. Before us, at the outset, Ld Counsel for the assessee briefly narrated the facts of the case and mentioned that the only issue involved in this appeal relates to the disallowance of Rs. 30,36,670/- on account of unrealised loss. In this regard, he submitted that the tax effect involved in this appeal is below Rs. 10 lakhs and therefore, this appeal is not maintainable as per the CBDT Circular no.21/2015. After hearing the Ld DR for the Revenue and on perusal of the orders of the Revenue Authorities as well as the relevant material placed before us, we find, the tax effect in this case is below Rs. 10 lakhs. Therefore, this case is covered by the CBDT **Circular No.21/2015, dated 10.12.2015** which is relevant for the proposition that *the appeals filed by the Revenue with a tax effect of Rs. 10 lakhs and below are to be either dismissed by the Tribunal as not maintainable or not pressed by the Revenue.* Considering the same, the present appeal filed by the

Revenue is required to be dismissed since, the same are not maintainable. We order accordingly.

3. In the result, appeal filed by the Revenue is dismissed.

Order pronounced in the open court on 3rd October, 2016.

Sd/-
(AMARJIT SINGH)
JUDICIAL MEMBER

मुंबई Mumbai; दिनांक 03.10.2016
व.नि.स./ OKK, Sr. PS

Sd/-
(D. KARUNAKARA RAO)
ACCOUNTANT MEMBER

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR,
ITAT, Mumbai
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,
उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, मुंबई / **ITAT, Mumbai**