

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

I.T.A. No.4252/M/2014  
(Assessment Year: **2005-2006**)

ITO-3(1)(3), Mumbai-20.	बनाम/ Vs.	M/s. Conwood Developers Pvt Ltd., Regent Chambers, 10 <sup>th</sup> Floor, Nariman Point, Mumbai-400021.
स्थायी लेखा सं./PAN : AAACC0468R		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओर से / Appellant by	:	Ms. R.M. Madhavi, DR
प्रत्यर्थी की ओर से/ Respondent by	:	Shir Satish Mody, AR

सुनवाई की तारीख / Date of Hearing : 16.12.2015

घोषणा की तारीख /Date of Pronouncement : 16.12.2015

**आदेश / O R D E R**

**PER D. KARUNAKARA RAO, AM:**

This appeal filed by the Revenue on 13.6.2014 is against the order of the CIT (A)-6, Mumbai dated 9.1.2008 for the assessment year 2005-2006.

2. At the outset, Ld Counsel for the assessee brought our attention to the solitary ground raised by the Revenue relates to the CIT (A)'s decision in deleting the addition of Rs. 10 lakhs made on account of 'unsecured loans received from M/s. PPL Housing Finance Ltd'. In this regard, he mentioned that the tax effect in this appeal is below Rs. 10 lakhs and therefore, the appeal of the Revenue is not maintainable. In support of his argument, he brought our attention to the recently issued **CBDT Circular No.21/2015, dated 10.12.2015** and submitted 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. Referring to the above mentioned Board Circular No.21/2015, Ld Counsel for the assessee brought our attention to para 10 and submitted that the said monetary

limitation of Rs. 10 lakhs applies to all the appeals filed by the Revenue retrospectively. Considering the significance of the said para 10 of the CBDT Circular (supra) is extracted as under:-

*"10. This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts / Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn / not pressed. Appeals before the Supreme Court will be governed by the instructions on this subject operative at the time when such appeal was filed."*

3. Considering the above, the appeal filed by the Revenue, wherein the tax effect is below the above stated tax limit of Rs. 10 lakhs, is dismissed as not maintainable.

4. In the result, **appeal of the Revenue is dismissed.**

Order pronounced in the open court on 16<sup>th</sup> December, 2015.

**Sd/-**  
**(AMARJIT SINGH)**  
JUDICIAL MEMBER

मुंबई Mumbai; दिनांक 16/12/2015  
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