

आयकर अपीलीय अधिकरण, मुंबई न्यायपीठ, डी.मुंबई ।

IN THE INCOME TAX APPELLATE TRIBUNAL

MUMBAI BENCHES "D", MUMBAI

श्री जोगिन्दर सिंह, न्यायिक सदस्य एवं

श्री अश्वनी तनेजा, लेखा सदस्य, के समक्ष

**Before Shri Joginder Singh, Judicial Member, and
Shri Ashwani Taneja, Accountant Member**

ITA NO.1706/Mum/2013

Assessment Year: 2003-04

ITO-7(2)(1), Room No.621A, 6 th Floor, Aayakar Bhavan, M. K. Road, Mumbai-400020	बनाम/ Vs.	M/s Rupam Colour Lab Pvt. Ltd. Opp. Maheshwari Udyan, King Circle, Matunga, Mumbai-400019
(राजस्व /Revenue)		(निर्धारिती /Assessee)
PAN. No.AABCR7698M		

C.O. No.85/Mum/2014

(Arising out of ITA NO.1706/Mum/2013)

Assessment Year: 2003-04

M/s Rupam Colour Lab Pvt. Ltd. Opp. Maheshwari Udyan, King Circle, Matunga, Mumbai-400019	बनाम/ Vs.	ITO-7(2)(1), Room No.621A, 6 th Floor, Aayakar Bhavan, M. K. Road, Mumbai-400020
(निर्धारिती /Assessee)		(राजस्व /Revenue)
PAN. No.AABCR7698M		

राजस्व की ओर से / Revenue by	Shri B.S. Bist-DR
निर्धारिती की ओर से / Assessee by	None

सुनवाई की तारीख / Date of Hearing :	16/06/2016
आदेश की तारीख /Date of Order:	16/06/2016

आदेश / O R D E R

Per Joginder Singh (Judicial Member)

The Revenue has filed appeal and the assessee has also preferred cross objection against the impugned order dated 04/12/2012 of the Ld. First Appellate Authority, Mumbai, for Assessment year 2003-04.

2. During hearing of this appeal, none was present for the assessee in spite of issuance of registered AD notice, therefore, we have no option but to proceed ex-parte, qua the assessee and tend to dispose of this appeal on the basis of material available on record. At the outset, the ld. DR also contended that the total tax effect is below prescribed monetary limit of Rs.10 lakh for filing the appeal before this Tribunal.

2.1. We have considered the submissions of the ld. DR and perused the material available on record. In view of the above, it is noted that the tax effect in the present appeal is below prescribed limit of Rs.10 lakh, for filing the appeal before the Tribunal, as contained in CBDT instruction No.21 of 2015, dated 10/12/2015 (F No.279/Misc./142/2007-IT(PT), applicable with retrospective effect, wherein, the

Department was advised/directed by the Board not to file appeal in the cases where the tax effect does not exceed the following monetary limit.:-

Sl. No.	Appeals in Income –tax matters	Monetary Limit (in Rs.)
1.	Before ITAT	10,00,000/-
2.	U/s 260 A before Hon'ble High Court	20,00,000/-
3.	Before Hon'ble Supreme Court	25,00,000/-

In view of the above instruction, since, the tax effect is less than Rs.10,00,000/-, the appeal of the Revenue is not maintainable, therefore, dismissed.

3. So far as, the cross objection of the assessee (CO No.85/Mum/2014) is concerned, it is in support of the order of the Ld. Commissioner of Income Tax (Appeal). Even otherwise, we find that the order of the ld. First Appellate Authority is quite justified, requires no modification. Thus, the Cross objection of the assessee is also dismissed.

Finally, the appeal of the Revenue as well as the cross objection of the assessee is dismissed.

This order was pronounced in the open court in the presence of Ld. DR at the conclusion of the hearing on 16/06/2016.

Sd/-

(Ashwani Taneja)

लेखा सदस्य / ACCOUNTANT MEMBER

Sd/-

(Joginder Singh)

न्यायिक सदस्य / JUDICIAL MEMBER

मुंबई Mumbai; दिनांक Dated : 16/06/2016

Shekhar, P.S. नि.स.

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

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

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

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