

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**"G" BENCH, MUMBAI**  
**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER AND**  
**SHRI ASHWANI TANEJA, ACCOUNTANT MEMBER**

ITA no.4727/Mum./2014  
(Assessment Year : 2006-07)

Asstt. Commissioner of Income Tax  
Central Circle-39, Aayakar Bhawan  
101, M.K. Road, Mumbai 400 020

..... Appellant

v/s

Shri Ganesh A. Mokashe  
Flat no.6/2B, Dhanraj Complex  
Near Ashok Theatre  
Pimpri, Pune 411 017  
PAN - ARQPM0739F

..... Respondent

Revenue by : Shri Awungshi Gimson  
Assessee by : None

Date of Hearing - 19.01.2016

Date of Order - 29.01.2016

**ORDER**

**PER SAKTIJIT DEY, J.M.**

This is an appeal by the Department against the order dated 28<sup>th</sup> March 2014, passed by the learned Commissioner (Appeals)-41, Mumbai, for the assessment year 2006-07.

2. The only issue raised by the Department in this appeal pertains to deletion of addition of ₹ 16 lakh made under section 69 of the

Income Tax Act, 1961 (for short "*the Act*") by the Assessing Officer on account of unexplained current liabilities.

3. When the case was called for hearing, none appeared on behalf of the assessee. Learned Departmental Representative fairly submitted that tax effect on the amount disputed by the Revenue is below the monetary limit of ₹ 10 lakh fixed by the CBDT vide Circular no.21 of 2015 dated 10<sup>th</sup> December 2015, in relation to appeal before the Income Tax Appellate Tribunal. Taking into consideration the aforesaid submission of the learned Departmental Representative and also finding that the CBDT circular under reference applies retrospectively, even to pending appeals, we dismiss the appeal of the Department as not maintainable.

4. In the result, Revenue's appeal stands dismissed.

Order pronounced in the open Court on 29.01.2016

**Sd/-**  
**ASHWANI TANEJA**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**SAKTIJIT DEY**  
**JUDICIAL MEMBER**

**MUMBAI, DATED: 29.01.2016**

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The CIT(A);*
- (4) *The CIT, Mumbai City concerned;*
- (5) *The DR, ITAT, Mumbai;*
- (6) *Guard file.*

*Pradeep J. Chowdhury*  
*Sr. Private Secretary*

True Copy  
By Order

(Dy./Asstt. Registrar)  
ITAT, Mumbai