



IN THE INCOME TAX APPELLATE TRIBUNAL
"D" BENCH, MUMBAI
BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER AND
SHRI N.K. PRADHAN, ACCOUNTANT MEMBER

ITA no.2444/Mum./2014
(Assessment Year : 2009-10)

Income Tax Officer
Circle-16(2)(4), Matru Mandir
Mumbai 400 007

..... Appellant

v/s

Shri Digambar P. Muttepawar
8, Jobanputra Compound
A.K. Marg, Nana Chowk
Mumbai 400 007
PAN – ANZPM14628G

..... Respondent

Revenue by : Shri Satya Pal Kumar
Assessee by : Shri Ajit Shetty

Date of Hearing – 22.08.2016

Date of Order – 22.08.2016

ORDER

PER SAKTIJIT DEY, J.M.

Instant appeal by the Revenue is directed against the order dated 10th January 2014, passed by the learned Commissioner (Appeals)-27, Mumbai, for the assessment year 2009-10.

2. We have considered the submissions of both the parties and perused the material available on record. As could be seen, the Assessing Officer has added an amount of ₹ 32,24,887 on account of alleged excess cash deposit. However, the learned Commissioner

(Appeals), out of the total addition made by the Assessing Officer, sustained the addition to the extent of ₹ 3,91,013 thereby deleting the balance addition of ₹ 28,43,864. It has been stated before us that the tax effect on the amount of ₹ 2,84,864, disputed by the Revenue in the present appeal is below the monetary limit of ₹ 10 lakh fixed by the CBDT in Circular no.21 of 2015 dated 10th December 2015, in relation to appeal before the Income Tax Appellate Tribunal. Taking into consideration the aforesaid submissions 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.

3. In the result, Revenue's appeal is dismissed.

Order pronounced in the open Court on 22.08.2016

Sd/-
N.K. PRADHAN
ACCOUNTANT MEMBER

Sd/-
SAKTIJIT DEY
JUDICIAL MEMBER

MUMBAI, DATED: 22.08.2016

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

		Date	Initial	
1.	Draft dictated on	22.08.2016	}	Sr.PS
2.	Draft placed before author	23.08.2016		Sr.PS
3.	Draft proposed & placed before the second member	--		JM/AM
4.	Draft discussed/approved by Second Member	--		JM/AM
5.	Approved Draft comes to the Sr.PS/PS	25.08.2016	}	Sr.PS
6.	Date of pronouncement	22.08.2016		Sr.PS
7.	File sent to the Bench Clerk	25.08.2016		Sr.PS
8.	Date on which file goes to the Head Clerk			
9.	Date of dispatch of Order			