IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH “G” MUMBAI

BEFORE SHRI D.T. GARASIA (JUDICIAL MEMBER) AND
SHRI N.K. PRADHAN (ACCOUNTANT MEMBER)

ITA No. 4009/MUM/2016
Assessment Year: 2012-13 (27Q4)

ITO (TDS) – 1(2)(1), Mumbai	Vs.	M/s Deutsch Equities India Pvt. Ltd. The Capital, C-70, B Block 14th floor, Bandra-Kurla Complex Mumbai-400051 **PAN No. AABCD7551M**
(Appellant)		**(Respondent)**

Revenue by : Ms. Anupama Singla, DR
Assesssee by: Shri Niraj Sheth, AR

Date of Hearing : 17/04/2017
Date of pronouncement: 17/04/2017

ORDER

PER N.K. PRADHAN, AM

This is an appeal filed by the Revenue. The relevant year is 2012-13 (27Q4). The appeal is directed against the order of the Commissioner of Income Tax (Appeals) – 59, Mumbai and arises out of order u/s 154 of the Income Tax Act, 1961 (the ‘Act’)

2. The grounds of appeal filed by the Revenue read as under:-

(i) "On the facts and circumstances of the case and in law, the Ld.CIT(A) erred in directing the AO to compute interest for delay in deposit of tax deducted at source u/s. 201(1A) of the I.T. Act, from the due date, without appreciating the that as per clause(ii) to section 201(1A) of the IT Act, interest for delay should be calculated from the date on which such tax was deducted to the date on which the tax is actually paid.

(ii) "On the facts and in the circumstances of the case and in law, the Ld.CIT(A) erred in directing the AO to levy interest for two months instead of three months for delay in deposit of tax deducted at source, without appreciating the legal provisions of clause(ii) of section 201(1A), which clearly states that any person, principal officer or company, as referred to in that sub-section; who after deducting tax fails to pay the whole or any part of the tax as required by or under the Act, is liable to pay simple interest at one and one-half percent for every month or part of a month on the amount of such tax from the date on which such tax was deducted to the date on which such tax is actually paid."

(iii) On the facts and in the circumstances of the case and in law, the Ld.CIT(A) erred in not appreciating that while processing TDS statement filed by the assessee u/s. 154, the system has rightly charged interest as per the provisions of section 201(1A) of the IT Act. 1961."

3. We find that as per 'Form No. 36' filed before the Tribunal the total demand is Rs. 5,79,549/-. The tax effect in respect of the above grounds of appeal is less than the monetary limit of Rs. 10,00,000/- fixed by CBDT vide Circular No. 21 of 2015 dated 10.12.2015 in relation to appeal before the ITAT. This is also fairly stated by the learned DR. We have seen that the monetary limits have been made applicable retrospectively by the CBDT in the said Circular as would be evident from the following extract:-

> ''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.''

4. In view of the above, we dismiss the appeal of the revenue as not maintainable.

5. In the result, the appeal filed by the revenue stands dismissed.

Order pronounced in the open court on 17/04/2017

Sd/- Sd/-

(D.T. GARASIA) (N.K. PRADHAN)
JUDICIAL MEMBER ACCOUNTANT MEMBER

Mumbai:
Dated: 17/04/2017
Biswajit, Sr. P.S.

<u>Copy of the Order forwarded to</u> :

1. The Appellant
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

BY ORDER,

//True Copy//

(Dy./Asstt. Registrar)
ITAT, Mumbai