

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "B": NEW DELHI
BEFORE SHRI A.T.VARKEY, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

ITA No. 681/Del/2012
(Assessment Year: 2006-07)

DCIT, Circle-11(1), Room No.312, C.R. Building, New Delhi	Vs.	FX Enterprises Solutions India Pvt. Ltd, Shop No.169, Near Durga Mandir, Nehru Market, Badarpur, New Delhi PAN:AAACF4881H
(Appellant)		(Respondent)

Assessee by : Sh. B.R.R. Kumar, Sr. DR
Respondent by : Sh. Manoj Gupta, CA

Date of Hearing : 27.01.2016
Date of pronouncement : 28.01.2016

ORDER

PER PRASHANT MAHARISHI, A. M.

1. This appeal filed by the Department is directed against the order dated 29.11.2011 of Id CIT(A)-XIII, New Delhi for the Assessment Year 2006-07.
2. At the outset of the hearing itself, the Id. AR brought to our attention that CBDT vide Circular No.21/2015 dated 10th December, 2015 has decided that the revenue would not prefer an appeal before the Tribunal if the tax effect is less than Rs.10 lakhs. He has also filed the computation to show that the tax effect in this case is below Rs.10 lakhs. Therefore, he pleaded that the appeal of the revenue be dismissed as per the instruction of the CBDT and also submitted that the cross objection preferred by the assessee is not pressed.
3. Id. DR was fair enough to admit the aforesaid factual position.
4. We have heard both the sides on the issue and perused the material. I find that the CBDT vide circular dated 10.12.2015 has revised the monetary limit for filing the appeal by the department before Income Tax Appellate Tribunal, Hon'ble High Courts and Hon'ble Supreme Court. The relevant para of the aforesaid circular is reproduced as under :-

"3. Henceforth, appeals/SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder :-

Sl.No.	Appeals in Income-tax matters	Monetary Limit(in Rs.)
1.	Before Appellate Tribunal	10,00,000
2.	Before High Court	20,00,000
3.	Before Supreme Court	25,00,000

It is clarified that an appeal should not be filed merely because the tax effect in a case exceeds the monetary limits prescribed above. Filing of appeal in such cases is to be decided on merits of the case."

5. We find that the tax effect involves in the appeal of the Revenue is below Rs.10 lakhs. There is no dispute that the Board's instructions or directions issued to the Income-tax authorities are binding on those authorities, therefore, the Department should have withdrawn/not pressed the present appeal in view of the aforesaid instruction since the tax effect in the instant appeal is less than the amount of Rs.10 lakhs.
- 5.1 In view of the above, Circular No.21 dated 10.12.2015 will apply to all pending appeals. Therefore the precedent, it is held that the appeal is not maintainable in the instant case as the tax effect is less than Rs.10 lakhs. Accordingly, it is held that appeal filed by the revenue is not maintainable. Since the appeal of the revenue is not maintainable on account of low tax effect, therefore, the cross objection of the assessee becomes infructuous and accordingly dismissed.
6. In the result, appeals filed by the department is dismissed.

Order pronounced in the open court on 28.01.2016.

-Sd/-

**(A. T. VARKEY)
JUDICIAL MEMBER**

-SD/-

**(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER**

Dated:28/01/2016
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi