

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'F', NEW DELHI**

**BEFORE SHRI N.K. SAINI, ACCOUNTANT MEMBER
AND SH. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER**

**ITA No. 955/Del/2009
AY: 2006-07**

**ITA No. 2441/Del/2008
AY: 2005-06**

Income Tax Officer,
Ward-1(4),
New Delhi

vs

The New Vikas Co-op House Building
Society Ltd., Ballabgarh,
Faridabad.

(Appellant)

(Respondent)

Appellant by : Shri R.B. Meena, Sr.D.R.
Respondent by : Shri Vijay Kumar Gupta, Adv.

ORDER

PER SUDHANSHU SRIVASTAVA, ACCOUNTANT MEMBER

These appeals filed by the Revenue directed against the order dt.
29.01.2009 and 30.4.2008 of Ld.CIT(A), Faridabad for Assessment Years
2005-06 and 2006-07.

2. The tax effect in these appeals by the Revenue does not exceed the
monetary limit of Rs.10 lakhs specified in recent CBDT Circular No.21/2015
dated 10th December, 2015, F.No. 279/Misc./142/2007-ITJ(Pt.) read with
S.268 A of the Income Tax Act 1961, inasmuch as the tax effect is Rs.
8,97,838.00, which has been calculated as under:

For assessment year 2006-07

<u>Income Assessed</u>			<u>Rs.29,44,113.00</u>
Tax assessed:			
First	10,000.00	@ 10%	1,000-
Second	10,000.00	@ 20%	2,000-
On balance Rs. 29,24,113.00		@ 30%	<u>8,77,233-</u>
			8,80,233-
		<u>Surcharge @ 2%</u>	<u>17,605-</u>
		<u>TOTAL TAX DUE</u>	<u>8,97,838-</u>

For assessment year 2005-06

<u>Income Assessed</u>			<u>Rs.29,37,380.00</u>
Tax assessed:			
First	10,000.00	@ 10%	1,000-
Second	10,000.00	@ 20%	2,000-
On balance Rs. 29,37,380.00		@ 30%	<u>8,75,214-</u>
			8,78,214-
		<u>Surcharge @ 2.5%</u>	<u>21,955-</u>
			9,00,169-
		<u>Education Cess @ 2%</u>	<u>18,003-</u>
		<u>TOTAL TAX DUE</u>	<u>9,18,172-</u>

Further in this CBDT Circular, at para 10 it is specified that the Instruction will apply retrospectively, to all pending appeals.

3. The Ld. D.R. could not controvert the fact that the tax effect on the quantum of income in dispute is below the monetary limit of Rs.10,00,000/- (Ten lakhs only).

4. Hence we dismiss these appeals filed by the Revenue on the ground that the tax effect in the present appeals does not exceed the monetary limit specified by the CBDT Circular No.21/2015 dated 10th December,2015,

I.T.A. 955/Del/2009 & 2441/Del/2008
Assessment Year 2006-07, 2005-06

F.No. 279/Misc./142/2007-ITJ(Pt.) read with S.268 A of the Income Tax Act 1961, and hence not maintainable.

5. In case there is a mistake in the calculation or if the case is covered by any of the exception specified in the Circular, the revenue may file a Misc. Application u/s 254(2) of the Income Tax Act 1961 pointing out the mistake and if the Bench is convinced of the mistake, this order will be recalled and the appeals restored for fresh disposal on merits.

6. In the result, the Revenue's appeals are dismissed.

Order pronounced in the Open Court on 9th of February, 2016.

Sd/-

**(N.K. SAINI)
ACCOUNTANT MEMBER**

Sd/-

**(SUDHANSHU SRIVASTAVA)
JUDICIAL MEMBER**

Dated: the 9th of February, 2016

'GS'

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1. Appellant
2. Respondent
3. CIT 4. CIT(A)
5. DR, ITAT

By Order

ASSISTANT REGISTRAR