

IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH: KOLKATA
[Before Shri Mahavir Singh, JM & Shri M. Balaganesh, AM]

I.T.A No.1618/Kol/2011
Assessment Year: 2005-06

Joint Commissioner of Income-tax (OSD), Vs. Trisyas on The Net Pvt. Ltd.
Circle-10, Kolkata. (PAN:AABCT7690M)
(Appellant) (Respondent)

Date of hearing: 17.12.2015
Date of pronouncement: 17.12.2015

For the Appellant: Shri R. K. Kureel, JCIT, Sr. DR
For the Respondent: Shri Amit Kumar, ACA

ORDER

Per Shri Mahavir Singh, JM:

This appeal by revenue is arising out of order of CIT(A)-XII, Kolkata vide Appeal No. 386/XII/Cir-10/08-09 dated 19.09.2011. Assessment was framed by DCIT, Circle-10, Kolkata u/s. 147/143(3) of the Income-tax Act, 1961 (hereinafter referred to as “the Act”) for Assessment Year 2005-06 vide his order dated 10.12.2008.

2. At the outset, it is seen that the quantum involved in this case is Rs.17,97,593/- and tax effect on the disputed addition before us is Rs.6,11,181/-, which is less than Rs. 10 lacs.

3. After perusing the materials available on record, we find that the additions disputed before us is below the tax effect limit prescribed by CBDT vide Circular No. 21 / 2015 dated 10.12.2015 for preferring appeals before tribunal by the revenue. On perusal of the Circular No. 21 / 2015 dated 10.12.2015 and the materials available on record, Ld. DR could not point out whether this case falls under any of the exception as provided in the circular despite specific opportunity was given, does not fall under any of the exceptions contemplated in the said Circular, as this is covered. We also find that the Circular makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals also. We find that the Circular is binding on the tax authorities. This position has been confirmed by the *Hon’ble Apex Court in the case of Commissioner of Customs vs Indian Oil Corporation Ltd reported in 267 ITR 272 (SC)*. Hence, we hold that the appeal of the revenue deserves to be dismissed in terms of low tax effect vide Circular No.21 / 2015 dated 10.12.2015. Accordingly, this being a low tax effect

case, we dismiss this appeal of revenue in limine, as unadmitted, without going into the merits of the case.

4. In the result, the appeal of the revenue is dismissed in limine.

Order pronounced in the open court.

Sd/-
(M. Balaganesh)
Accountant Member

sd/-
(Mahavir Singh)
Judicial Member

Dated : 17th December, 2015

Jd. Sr. P.S

Copy of the order forwarded to:

1. Appellant – JCIT (OSD), Cir-10, Kolkata.
2. Respondent – Trisyas On The Net Pvt. Ltd., 15, Sarat Chatterjee Avenue, Kolkata-700029.
3. CIT(A) , Kolkata
4. CIT , Kolkata
5. DR, Kolkata Benches, Kolkata

/True Copy,

By order,

Asstt. Registrar.