

**IN THE INCOME TAX APPELLATE TRIBUNAL  
(DELHI BENCH 'I', NEW DELHI  
BEFORE SHRI R. S. SYAL, ACCOUNTANT MEMBER  
AND SHRI KULDIP SINGH, JUDICIAL MEMBER**

I.T.A.No.6199/Del/2015  
(Assessment Year 2006-07)

DCIT(International Taxation), Vs. Rolls Royce India Ltd.,  
Circle 3(1)(1), C/o BMR & Associates,  
New Delhi LLP, 2<sup>nd</sup> Floor, Bldg. No.5,  
Tower A, DLF Cyber City,  
DLF Phase III, Gurgaon

**GIR / PAN :AAACR4693K**

(Appellant)

(Respondent)

Appellant by : Sh. Amrendra Kumar, CIT- DR  
Respondent by : None

Date of hearing: : 14.03.2016

Date of Pronouncement: .03.2016

**ORDER**

**PER KULDIP SINGH, JM:**

The appellant (hereinafter referred to as 'the revenue') by filing the aforesaid appeal, sought to set aside the impugned order dated 24.08.2015 passed by DRP-2, New Delhi qua the Assessment Year 2006-07.

2. Perusal of the aforesaid appeal filed by the Revenue apparently show that the same is having low tax effect as per CBDT Circular No.21/2015 dated 10<sup>th</sup> December 2015 vide which the Revenue has been directed not to prefer any appeal in case the tax effect is less than Rs.10,00,000/- and this factual position has been fairly conceded by the Ld. D.R. None was present on behalf of the assessee.

3. We have heard parties on the issue in controversy and perused the material on record. Perusal of CBDT Circular (supra) shows that

monetary limit for filing the appeal by the Department before the Tribunal, Hon'ble High Court and Hon'ble Supreme Court has been revised and the relevant portion of the aforesaid circular is extracted as under:

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

S.No.	Appeals in Income-tax matters	Monetary Limit (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.*

*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 Pending appeals below the specified tax limits in para 3 above may be withdrawn / not pressed.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. The contention of Ld. Sr. D.R. that he needs some time to procure the report from the Assessing Officer to work out the tax effect, is not tenable because when apparently, the appeal in question is covered under CBDT Circular No.21/2015 dated 10<sup>th</sup> December 2015 (supra), the Revenue cannot import the facts within the knowledge of the Assessing Officer to further prolong the matter. However, in case any fact which is otherwise not on record, warrants the restoration of the present appeal, the revenue is at liberty to approach the Tribunal under relevant provisions of law.

5. In view of the CBDT Circular No.21 dated 10.12.2015 having retrospective effect and what has been discussed above, we are of the considered view that the aforesaid appeal is not maintainable because of low tax effect i.e. less than Rs.10,00,000/- hence, the aforesaid appeal filed by the Revenue is hereby dismissed having been become infructuous.

6. Order pronounced in the open court on 16<sup>th</sup> Mar., 2016.  
Sd/- Sd./-

(R. S. SYAL)  
ACCOUNTANT MEMBER  
Date: 16 .03.2016

(KULDIP SINGH)  
JUDICIAL MEMBER

Sp.

Copy forwarded to:-

1. The appellant
2. The respondent
3. The CIT
4. The CIT (A)-, New Delhi.
5. The DR, ITAT, Loknaya Bhawan, Khan Market, New Delhi.

True copy.

By Order (ITAT, New Delhi)

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	14/3		Sr. PS/PS
2	Draft placed before author	15/3		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS	16/3/16		Sr. PS/PS
6	Kept for pronouncement	16/3		Sr. PS/PS
7	File sent to Bench Clerk	17/3		Sr. PS/PS
8	Date on which the file goes to Head Clerk			
9	Date on which file goes to A.R.			
10	Date of Dispatch of order			