

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "A": NEW DELHI
BEFORE SHRI H.S.SIDHU, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

ITA No. 300/Del/2008
(Assessment Year: 1999-2000)

ITO, Ward-20(3), New Delhi	Vs.	Ms. Anju Jain, H-7A, Model Town, Delhi
(Appellant)		(Respondent)

Assessee by :	Sh. SK Jain, DR
Revenue by:	None
Date of Hearing	28/02/2017
Date of pronouncement	28/02/2017

ORDER

PER PRASHANT MAHARISHI, A. M.

1. This appeal filed by the Department is directed against the order of the Id CIT(A)-XXII, New Delhi dated 04/12/2007 for the Assessment Year 1999-2000.
2. The revenue has raised the following grounds of appeal:-
 - “1. The Id CIT(A) erred in law and on facts in deleting the addition of Rs. 1929696/- made by the AO treating the credit entry as accommodation entry in the account of the assessee u/s 68 of the IT Act, 1961.
 2. The Id CIT(A) erred in law and on facts in deleting the addition of Rs. 28945/- being the amount of commission paid to purchase the accommodation entry of Rs. 1929696/-.”
3. At the outset of the hearing itself, the Id. DR 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. Therefore, he pleaded that the appeal of the revenue be decided as per the instruction of the CBDT. Ld AR also reiterated same facts.
4. We have heard both the sides on the issue and perused the material. We 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. 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.
6. In the result, appeals filed by the department is dismissed.

Order pronounced in the open court on 28/02/2017.

-Sd/-

**(H.S.SIDHU)
JUDICIAL MEMBER**

-Sd/-

**(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER**

Dated: 28/02/2017
A K Keot

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

ASSISTANT REGISTRAR
ITAT, New Delhi