

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'C' NEW DELHI**

**BEFORE SH. H.S. SIDHU, JUDICIAL MEMBER
AND
SH. O.P. KANT, ACCOUNTANT MEMBER**

ITA No. 2696/Del/2014
Assessment Year: 2004-05

DCIT, Circle-12(1), New Delhi	Vs.	M/s. GE Capital Services India Ltd., AIFACS Building-1, Rafi Marg, New Delhi
PAN : AAACG0239L		
(Appellant)		(Respondent)

Appellant by	Sh. Amrit Lal, Sr.DR
Respondent by	Sh. Tushar Jarwal, Advocate

Date of hearing	27.10.2016
Date of pronouncement	27.10.2016

ORDER

PER O.P. KANT, A.M.:

This appeal by the Revenue is directed against the order of learned Commissioner of Income Tax(Appeals)-XV, New Delhi, dated 20.02.2014 pertaining to assessment year 2004-05.

2. We have heard both the parties and perused the relevant material on record. It is noticed that the CBDT has issued Circular No. 21 of 2015 dated 10.12.2015 with retrospective effect, revising the monetary limit to Rs.10,00,000/- for not filing appeals before the Tribunal. Learned Sr. Departmental Representative could not controvert the fact that tax effect involved in the appeal is less than Rs.10,00,000/-.

3. From para 10 of the above Circular, it is palpable that the Instruction is applicable to the pending appeals also with retrospective effect and there is a clear-cut direction to the Department to withdraw or not press such appeals filed before the ITAT, wherein tax effect is less than Rs.10,00,000/-. Going by the prescription of the afore-noted Circular, we are of the view that the Revenue should have either not filed the instant appeal before the Tribunal or withdrawn the same as the tax effect in this appeal is admittedly less than the prescribed limit i.e. Rs. 10,00,000/- for not filing the appeal. Accordingly, we dismiss the instant appeal without going into merits of the case. However, the Department is at liberty to file the Miscellaneous Application, if the tax effect is found to be more than the prescribed limited of Rs. 10 lakhs or otherwise.
4. In the result, the appeal of the Revenue stands dismissed.

The decision is pronounced in the open court on 27th October, 2016.

Sd/-

(H.S. SIDHU)
JUDICIAL MEMBER
Dated: 27th October, 2016.
Laptop/-

Copy forwarded to:

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

Sd/-

(O.P. KANT)
ACCOUNTANT MEMBER

Asst. Registrar, ITAT, New Delhi