

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
KOLKATA 'B(SMC)' BENCH, KOLKATA**

**Before Shri P.M. Jagtap, Accountant Member**

**I.T.A. No. 1012 /KOL/ 2015  
Assessment Year: 2008-2009**

**Income Tax Officer,.....Appellant**  
**Ward-10(3), Kolkata,**  
**Aayakar Bhawan,**  
**P-7, Chowringhee Square,**  
**Kolkata-700 069**  
**-Vs.-**

**M/s. C & E Limited,.....Respondent**  
**95, Park Street, 2<sup>nd</sup> Floor,**  
**Kolkata-700 016**  
**[PAN: AACCC 5418 K]**

**&**  
**C.O. No. 40/KOL/2015**  
**(arising out of I.T.A. No. 1012/KOL/2015)**  
**Assessment Year: 2008-2009**

**M/s. C & E Limited,.....Cross Objector**  
**95, Park Street, 2<sup>nd</sup> Floor,**  
**Kolkata-700 016**  
**[PAN: AACCC 5418 K]**

**-Vs.-**

**Income Tax Officer,.....Respondent**  
**Ward-10(3), Kolkata,**  
**Aayakar Bhawan,**  
**P-7, Chowringhee Square,**  
**Kolkata-700 069**

**Appearances by:**

*Shri Amitabh Bhattacharya, JCIT, D.R., for the Department*  
*Shri Srikumar Banerjee, A.R., for the assessee*

Date of concluding the hearing : July 27, 2016

Date of pronouncing the order : July 27, 2016

**O R D E R**

This appeal is preferred by the Revenue against the order of Id. Commissioner of Income Tax (Appeals)-9, Kolkata dated 27.03.2015 and

the same is being disposed of along with the Cross Objection filed by the assessee being C.O. No. 40/KOL/2015.

2. As pointed out by the Id. Counsel for the assessee, at the outset, the tax effect involved in this appeal of the Revenue is less than the revised monetary limit recently fixed by the CBDT vide Circular No. 21/2015 dated 10<sup>th</sup> December, 2015 at Rs.10,00,000/- for filing the appeal by the Revenue before the Tribunal and this position clearly evident from the grounds raised by the Revenue in this appeal is not disputed even by the Id. D.R. In Circular No. 21/2015 (supra) recently issued by the CBDT, the monetary limit for filing the appeals by the Revenue before the Tribunal has been increased to Rs.10,00,000/- and as clarified in the said Circular, the said monetary limit is applicable retrospectively even to the appeals pending before the Tribunal. The CBDT has also instructed that such pending appeals below this specified tax limit of Rs.10,00,000/- may be withdrawn/ not pressed. Keeping in view the instruction given by the CBDT vide Circular No. 21/2015 dated 10.12.2015, which is squarely applicable in the present case, the appeal filed by the Revenue in this case is treated as withdrawn/not pressed and dismissed accordingly.

3. As agreed by the Id. Representative of the assessee, the Cross Objection filed by the assessee has become infructuous as a result of dismissal of the corresponding appeal of the Revenue. Accordingly, this Cross Objection filed by the assessee is also dismissed.

**4. In the result, the appeal of the Revenue as well as the Cross Objection filed by the assessee both are dismissed.**

Order pronounced in the open Court on July 27, 2016.

**Sd/-**  
**(P.M. Jagtap)**  
**Accountant Member**

**Kolkata, the 27<sup>th</sup> day of July, 2016**

- Copies to :
- (1) **Income Tax Officer,  
Ward-10(3), Kolkata,  
Aayakar Bhawan,  
P-7, Chowringhee Square,  
Kolkata-700 069**
  - (2) **M/s. C & E Limited,  
95, Park Street, 2<sup>nd</sup> Floor,  
Kolkata-700 016**
  - (3) **Commissioner of Income Tax (Appeals)-9, Kolkata,**
  - (4) **Commissioner of Income Tax- ,**
  - (5) **The Departmental Representative**
  - (6) **Guard File**

*By order*

*Assistant Registrar,  
Income Tax Appellate Tribunal,  
Kolkata Benches, Kolkata*

**Laha/Sr. P.S.**