

आयकर अपीलीय अधिकरण, न्यायपीठ – “D” कोलकाता,
IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH: KOLKATA
 (समक्ष) Before श्री ए. टी. वर्की, न्यायीक सदस्य एवं/and डॉ. अर्जुन लाल सैनी, लेखा सदस्य)
 [Before Shri A. T. Varkey, JM & Dr. A. L. Saini, AM]

आयकर अपील संख्या / I.T.A No. 972/Kol/2015
निर्धारण वर्ष/Assessment Year: 2010-11

Assistant Commissioner of Income-tax, Circle-3, Malda	Vs.	Malda District Central Co-operative Bank Ltd., (PAN: AAAAT3262G)
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

Date of Hearing	04.09.2017
Date of Pronouncement	04.09.2017
For the Appellant/ अपीलार्थी	Shri Kalyan Nath, ACIT
For the Respondent/ प्रत्यर्थी	N o n e

आदेश/ORDER

Per Shri A.T.Varkey, JM

This is an appeal filed by the revenue against the order of Ld. CIT(A), Jalpaiguri dated 18.02.2015 for AY 2010-11.

2. None appeared for the assessee. At the outset, we find that the tax effect involved in this appeal of revenue is less than Rs. Ten lakhs. Hence, departmental appeal should not be allowed to be proceeded with. We find that the appeal of the revenue falls in the ken of the CBDT Circular no. 21/2015 dated 10.12.2015, wherein the CBDT has directed the department to withdraw/not press the appeal if the tax effect is less than Rs. 10 lacs before the ITAT. On perusal of the Circular No. 21 / 2015 dated 10.12.2015 and the materials available on record, we find that the revenue's case does not fall under any of the exception clause as provided in the 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. In case the revenue later finds that the tax effect is more than Rs. 10 lakhs then it is at liberty to move appropriate application to recall this order. With this Caveat, we are inclined to dismiss this appeal of the revenue on the ground that it is below the tax effect of less than Rs.10 lakh.

3. In the result, appeal of revenue is dismissed.

Order is pronounced in the open court.

Sd/-
(Dr. A. L. Saini)
Accountant Member

Sd/-
(Aby. T. Varkey)
Judicial Member

Dated :4th September, 2017

Jd.(Sr.P.S.)

Copy of the order forwarded to:

1. Appellant – ACIT, Circle-3, Malda
2. Respondent – Malda District Central Co-operative Bank Ltd., S. P. Road, P.O. & Dist. Malda, W.B-732101.
3. The CIT(A), Jalpaiguri
4. CIT , Jalpaiguri
5. DR, Kolkata Benches, Kolkata

/True Copy,

By order,

Sr. Pvt. Secy.,