

IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD “SMC” BENCH AHMEDABAD

BEFORE SHRI PRAMOD KUMAR, ACCOUNTANT MEMBER,
AND SHRI S. S. GODARA, JUDICIAL MEMBER.

ITA Nos. 1201 to 1204/Ahd/2012
(Assessment Years: 2005-06, 2008-09, 2007-08 & 2006-07)

ITO, Wd.8(4),
B-205, 2nd Floor, Pratyakshkar
Bhavan, Ambawadi, Ahmedabad

Appellant

Vs.

Yash Bhumi Construction Pvt. Ltd.,
401, Saubham Complex, Nr. Jain
Derasar, Navrangpura, Ahmedabad 380009

Respondent

PAN: AAACY1129M

राजस्व की ओर से/By Revenue : Shri Roop Chand, Sr. D.R.

आवेदक की ओर से/By Assessee : Shri P. B. Parmar, A.R.

सुनवाई की तारीख/Date of Hearing : 13.09.2017

घोषणा की तारीख/Date of
Pronouncement : 20.09.2017

ORDER

PER S. S. GODARA, JUDICIAL MEMBER

These Revenue's four appeals for assessment years 2005-06, 2008-09, 2007-08 & 2006-07 arise against the CIT(A)-XIV, Ahmedabad's common order dated 19.03.2012, in case nos. CIT(A) XIV/Wd.8(4)/140,141,142 & 143/10-11, inter alia deleting Section 68 unexplained cash credits addition of Rs. 7lacs and Rs.1.5 lacs in former two appeals as well as identical Section 80IB(10) disallowance of Rs.9,34,367/-, Rs.2,89,991/-, Rs.16,37,867/- and Rs.17,20,089/-; appeal-wise respectively, in proceedings u/s. 148 r.w.s. 143(3) of the Act in former three

assessment years and u/s.143 of the Income Tax Act, 1961; in short “the Act” in last assessment year 2008-09.

Heard both sides. Case files perused.

2. A bare perusal of the Revenue’s above narrated grievance seeking to revive Section 68 addition(s) and Section 80IB(10) disallowance pertaining to the housing project in question “Nar Narayan Bungalow” as spread over in the four impugned assessment years. Learned Departmental Representative fails to dispute that the net tax effect involved in any of the appeal is less than Rs.10lacs as prescribed in CBDT circular no. 21/2015 dated 10.12.2015. Nor it is the Revenue case that these four cases do come under the exception clauses envisaged in the above circular. We therefore decline all these four appeals since involving lower than prescribed tax effect.

3. These four Revenue’s appeals are dismissed.

[Pronounced in the open Court on this the 20th day of September, 2017.]

Sd/-
(PRAMOD KUMAR)
ACCOUNTANT MEMBER
Ahmedabad: Dated 20/09/2017

Sd/-
(S. S. GODARA)
JUDICIAL MEMBER

True Copy

S.K.SINHA

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण, अहमदाबाद ।