

आयकर अपीलीय अधीकरण, न्यायपीठ – “C” कोलकाता,
IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH: KOLKATA
 (समक्ष) Before श्री ए. टी. वर्की, न्यायीक सदस्य एवं/and श्री एम .बालागणेश, लेखा सदस्य)
 [Before Shri A. T. Varkey, JM & Shri M. Balaganesh, AM]

I.T.A. No. 934/Kol/2014
Assessment Year: 2009-10

Deputy Commissioner of Income-tax (TDS), Circle-58, Kolkata.	Vs.	Punjab National Bank (PAN:AAACP0165G)
Appellant		Respondent

Date of Hearing	23.05.2017
Date of Pronouncement	12.07.2017
For the Appellant	N o n e
For the Respondent	Shri I. Banerjee, AR

ORDER

Per Shri A.T.Varkey, JM

This is an appeal filed by the revenue against the order of Ld. CIT(A)-XX, Kolkata dated 18.02.2014 for AY 2009-10.

2. None appeared on behalf of the revenue. At the outset, 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 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 on 12.07.2017

Sd/-
(M. Balaganesh)
Accountant Member

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

Dated : 12th July, 2017

Jd.(Sr.P.S.)

Copy of the order forwarded to:

1. Appellant – DCIT (TDS), Circle-58, Kolkata
2. Respondent – Punjab National Bank, 44, Park Street, Kolkata-700 016.
3. The CIT(A), Kolkata
4. CIT , Kolkata
5. DR, Kolkata Benches, Kolkata

/True Copy,

By order,

Sr. Pvt. Secretary