

**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

**BEFORE S/SHRI N.S SAINI, ACCOUNTANT MEMBER
AND PAVAN KUMAR GADALE, JUDICIAL MEMBER**

ITA No.224 /CTK/2015

Assessment Year: 2007-08

ACIT, Circle 1(2), Bhubaneswar	Vs.	Tatwa Technologies Pvt Ltd., Plot No.6, 2 nd floor, Unit-III, Kharvel Nagar, Bhubaneswar.
PAN/GIR No. AACCT 4034 G		
(Appellant)	..	(Respondent)

Assessee by : None
Revenue by : Shri D.K.Pradhan, DR

Date of Hearing : 11/07/ 2017
Date of Pronouncement : 11 /07/ 2017

ORDER

Per N.S.Saini, AM

This is an appeal filed by the Revenue against the order of the Id CIT(A)-1, Bhubaneswar, dated 24.2.2015, for the assessment year 2007-08.

2. When the case was called for hearing, none appeared on behalf of the respondent-assessee despite issue of notice of hearing dated 8.6.2017. Hence, we proceed to dispose of the appeal of the revenue after hearing Id D.R. and on the basis of materials available on record.

3. Brief facts of the case are that the assessee is engaged in the business of software development. It filed the return of income on 8.11.2007 declaring total income of Rs.7,50,320/-. The case was selected for scrutiny and assessment was completed u/s.143(3) of the Act on 31.12.2009 determining the total income at Rs.53,19,430/-.

4. Being aggrieved by the order of the Assessing Officer, the assessee has preferred appeal before the CIT(A), who allowed partial relief of Rs.22,87,734/- out of total disallowance of Rs.40 lakhs on account of share capital.

5. Aggrieved by the partial relief of Rs.22,87,734/- on account of disallowance of share capital, the revenue is in appeal before us.

6. After hearing Id D.R. and perusing the order of the CIT(A), we find that the CIT(A) has allowed relief of Rs.22,87,734/- out of addition of Rs.40 lakhs on account of share capital and sustained the disallowance of Rs.21,14,870/-, the tax effect of which comes to Rs.6,34,460/-. Before us, Id D.R. admitted that that the tax effect in the appeal of the revenue is Rs.6,34,460/- and hence, in view of the CBDT circular No. No.21/2015 dated 10.12.2015 revising the monetary limit for filing appeal to the Tribunal to Rs.10 lakhs, the appeal filed by the revenue is not maintainable and liable to be dismissed *in limine*. Therefore, we dismiss the appeal of the revenue *in limine*.

7. In the result, appeal filed by the revenue is dismissed.

Order pronounced in the open court on 11 /07/2017 in the presence of parties.

Sd/-

sd/-

(Pavan Kumar Gadale)
JUDICIALMEMBER

(N.S Saini)
ACCOUNTANT MEMBER

Cuttack; Dated 11 /07/2017
B.K.Parida, SPS

Copy of the Order forwarded to :

1. The appellant: ACIT, Circle 1(2),
Bhubaneswar
2. The Respondent; Tatwa Technologies Pvt
Ltd., Plot No.6, 2nd floor, Unit-III, Kharvel
Nagar, Bhubaneswar
3. The CIT(A)-I, Bhubaneswar
4. The Pr. CIT-1, Bhubaneswar
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

BY ORDER,

SR.PRIVATE SECRETARY
ITAT, Cuttack