

IN THE INCOME TAX APPELLATE TRIBUNAL RAIPUR BENCH, RAIPUR
BEFORE: SHRI N.S.SAINI, AM & SHRI PAVAN KUMAR GADALE, JM

ITA No.121/RPR/2015
(Assessment Year :2012-2013)

The DCIT, Circle-Korba, Mahanadi Complex, Korba(C.G.)	vs	M/s Krishna Auto Riders Pvt. Ltd., Modi Road, Korba (CG.)
PAN No. : AADCK 1452 E		
(Appellant)	..	Respondent

Revenue by : Shri O.P.Chaudhary, DR
Assessee by : Shri R.B.Doshi, AR

Date of Hearing : 19/01/2018
Date of Pronouncement 19/01/2018

आदेश / O R D E R

Per Shri N.S.Saini, AM:

This is an appeal filed by the Revenue against the order of the CIT(A), Bilaspur, dated 08.05.2015 for the assessment year 2012-2013.

2. The Revenue has taken the following grounds of appeal :-

1. *The Ld CIT(A) has erred in allowing relief of Rs.10,69,958/- against the fact that the A O had duly made reference to the Valuation Officer and the Valuation Officer made the valuation taking into consideration the contentions of the assessee.*
2. *The Ld CIT(A) has failed to appreciate that in terms of provisions of sec. 142A, the Valuation Officer is bound to seek the version of the assessee for the purpose of valuation and is also bound to take into consideration such version of the assessee in making the valuation report.*
3. *The Ld CIT(A) has failed to appreciate that the Valuation Officer give proper opportunity to make a valuation and hence the course of natural justice is undertaken at the level of the Valuation Officer.*
4. *The Ld CIT(A) has failed to appreciate that the Valuation Officer is an expert in his field and has, acted bonafide and in due course of law.*
5. *The appellant craves to raise/amend any grounds of appeal.*

3. At the time of hearing the AR of the assessee filed a computation showing that the tax effect in the present appeal filed by the Revenue is below Rs.10 lakhs. The computation is as under :-

Calculation of tax effect

Additions being contested before the Hon'ble ITAT Rs.10,69,958/-

Tax on above @30% Rs.3,20,987/-

He submitted that in view of the CBDT Circular No.21/2015, dated 10th December, 2015, appeal filed by the Revenue is not maintainable and, hence, liable to be dismissed.

4. On the other hand, Id.DR for the Revenue has not controverted the submissions of Id.AR of the assessee that tax effect in the present appeal of the Revenue was below Rs.10 lakhs.

5. We find that the CBDT in Circular No.21/2015, dated 10th December, 2015, has stated that, as a measure for reducing litigation, it was increasing the monetary limits for filing of appeals by the department before the ITAT and High Courts and SLP before the Supreme Court. The said limit for not filing appeal to the Tribunal was fixed at Rs.10 lakhs. The CBDT has further stated that the said instruction shall apply retrospectively to pending appeals and that all appeals below the specified tax limits should be withdrawn/not pressed. However, appeals before the Supreme Court are to be governed by the limits operative at the time that the appeal was filed. The said Circular of the CBDT is binding on the officers of Income Tax Department. In view of this, we hold that the present appeal of the Revenue before the Tribunal is not maintainable and, hence, we dismiss the same in *limine*.

6. In the result, appeal filed by the Revenue is dismissed.

Order pronounced in the Court on Friday, the 19th Day of January, 2018 at Raipur.

Sd/-
(PAVAN KUMAR GADALE)

न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(N. S. SAINI)

लेखा सदस्य / ACCOUNTANT MEMBER

Raipur; दिनांक Dated 19/01/2018

प्र.कु.मि/PKM, Senior Private Secretary

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant-
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, Raipur / DR, ITAT, Raipur
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Senior Private Secretary)
Income Tax Appellate Tribunal, Raipur