

**IN THE INCOME TAX APPELLATE TRIBUNAL
AGRA BENCH: AGRA**

**BEFORE SHRI A. D. JAIN, JUDICIAL MEMBER, AND
DR. MITHA LAL MEENA, ACCOUNTANT MEMBER**

**I.T.A No. 321/Agra/2014
(ASSESSMENT YEAR-2010-11)**

ACIT, Circle-3(1), Gwalior. (Revenue)	Vs.	Shri Manish Kumar Goyal, 228 B&C, Patel Nagar, City Centre, Gwalior. PAN No.ACDPG2015J (Assessee)
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**C.O. No. 10/Agra/2015
(in ITA No. 321/Agra/2014)
(ASSESSMENT YEAR-2010-11)**

Shri Manish Kumar Goyal, 228 B&C, Patel Nagar, City Centre, Gwalior. PAN No.ACDPG2015J (Assessee)	Vs.	ACIT, Circle-3(1), Gwalior. (Revenue)
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Revenue by	Shri Waseem Arshad, Sr. DR.
Assessee by	Shri S. C. Jain, AR.

Date of Hearing	15.01.2018
Date of Pronouncement	16.01.2018

ORDER

PER BENCH:

The appeal as well as cross objections have been filed against the order of the CIT(A), dated 04.08.2014.

2. We note that in this case, the tax effect on the income under dispute is less than Rs.10 lac. We further note that the Central Board of Direct Taxes, vide Circular No. 21/2015 dated 10th December, 2015, file no.279 of Misc. 142/2007 – ITJ (PT) has issued the direction, in supersession of the Instruction No.5/2014 dated 10.07.2014 in pursuance of the power interested u/s.268A of the Income Tax Act, that no appeal should be filed before this Tribunal in case the tax effect does not exceed Rs.10 lac. The “tax effect” in this regard means the difference between the tax on the total income assessed and the tax that would have been chargeable, had such total income been reduced by the amount of income in respect of issues against which appeal is intended to be filed. This Circular further states that tax will not include any interest thereon, unless the chargeability of interest itself is in dispute. We further note that in paragraph 10, which is reproduced as under, it has been mentioned in the Circular that this instruction will apply even to the pending appeals.

“10. This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts/Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed. Appeals before the Supreme Court will be governed by the instructions on this subject, operative at the time when such appeal was filed.”

3. In the present case, we note and the parties are also ad idem, that the tax effect on the issues under dispute at the hands of both the parties does not exceed

Rs.10 lac. In view of this fact, as per the Instruction, the Revenue is not supposed to press the appeal. We, therefore, dismiss the appeal filed by the Revenue in limine without going into the merits of the case, as the Circulars issued by CBDT are binding on the departmental officers in view of the provisions of Section 268A(1) of the Act. The said view has been taken by the Hon'ble Supreme Court in the case of "Navneet Lal Zaveri Vs. AAC", 56 ITR 198 (SC). We, accordingly, dismiss the appeal filed by the Revenue and the cross-Objections.

4. In the result, the appeal as well as cross objections stand dismissed.

Order pronounced in the open court on 16/01/2018.

Sd/-

**(DR. MITHA LAL MEENA)
ACCOUNTANT MEMBER**

Sd/-

**(A.D. JAIN)
JUDICIAL MEMBER**

Dated 16/01/2018

AKV

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR