

**INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "Friday": NEW DELHI**

**BEFORE SHRI G.D. AGRAWAL, HON'BLE PRESIDENT  
AND  
SHRI AMIT SHUKLA, JUDICIAL MEMBER**

ITA No.:- 981/Del/2017  
Assessment Year: 2011-12

Income Tax Officer Ward-17(2), New Delhi.	Vs.	M/s. Muller India Private Limited C-198, Defence Colony, New Delhi – 110 024 PAN AAECM0396E
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by:	Shri S.R. Senapati, Sr. DR
Department by :	Shri K.C. Singhal, Advocate
Date of Hearing	21/06/2018
Date of pronouncement	18/07/2018

**ORDER**

**PER AMIT SHUKLA, J.M.**

This is an appeal filed by the Revenue directed against the order of Ld. Commissioner of Income Tax (Appeals)-39 New Delhi dated 30.11.2016 pertaining to the assessment year 2011-12.

2. During the course of hearing, the Ld. DR although supported the order of the AO, but could not controvert the fact that tax effect involved in this appeal is less than Rs. 20,00,000/-. The Ld. Counsel appearing for the assessee on the other hand contended that the present appeal of the

Revenue is not maintainable in view of recent Circular of CBDT No. 3/2018 dated 11<sup>th</sup> July, 2018, whereby the monetary limit of tax effect for not filing appeals before the Tribunal has been revised to Rs. 20,00,000/-. He has given following working of tax on the disputed issue :-

Computation as per normal provisions:

Income as per computation		4,13,751
Taxable Income under normal provisions		4,13,751

Calculation of Income u/s 115JB

Book Profit as per computation ("Declared)		42,78,739
Addition in Book Profit (As Per Revised Computation for wrongly claimed of Accumulated Losses)		23,24,503
Assessed book profit		66,03,242
Tax @ 18%		11,88,584
Ed. Cess 3%		35,658
Total Tax on book profit		12,24,242

3. Having considered the rival submissions and the material available on record, including the above circular, we find that the above circular of CBDT on pecuniary limit has been issued in supersession of earlier CBDT Circular No. 21 of 2015 dated 10.12.2015, revising the monetary limit of tax effect from Rs. 10,00,000/- to Rs. 20,00,000/-. These instructions of CBDT have now statutory force within the provisions of section 268A and are made applicable to the pending appeals also by virtue of para 13 of the Circular.

This Circular contains clear instructions to the Department to withdraw or not to press such appeals filed before the ITAT wherein tax effect involved does not exceed Rs. 20,00,000/-. It is not the case of the Revenue that the present appeal comes within the sweep of exclusion clauses as given in para No. 10 & 11 of the said Circular. Thus, going by the prescription of the afore-noted CBDT instructions, and without going into merits of the case, we dismiss the instant appeal filed by the Revenue, being not maintainable, as the tax effect involved in this appeal is less than Rs. 20.00 lacs.

4. In the result, the appeal of the Revenue stands dismissed as indicated above.

Order pronounced in the Open Court on 17<sup>th</sup> July, 2018.

**sd/-**  
**(G.D. AGRAWAL)**  
**PRESIDENT**

**sd/-**  
**(AMIT SHUKLA)**  
**JUDICIAL MEMBER**

Dated: 17 /07/2018

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi