

**IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH 'B', CHANDIGARH**

BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER
AND MS. ANNAPURNA GUPTA, ACCOUNTANT MEMBER

ITA No.1432/Chd/2017
(Assessment Year : 2013-14)

The D.C.I.T., Circle-1, Ludhiana. (Appellant)	Vs.	M/s Rico Casting, B-26, Focal Point, Ludhiana. PAN:AADCR4805Q (Respondent)
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Appellant by : Ms.Geetinder Mann, Sr.DR
Respondent by : None.

Date of hearing : 30.07.2018
Date of Pronouncement : 30.07.2018

ORDER

PER ANNAPURNA GUPTA, A.M. :

This appeal has been preferred by the assessee against the order of Ld. Commissioner of Income Tax (Appeals)-2, Ludhiana dated 14.7.2017 relating to assessment year 2013-14.

2. At the outset, the Ld. AR has stated that tax effect involved in the present case is less than Rs. 20 lacs. The Ld. DR has also fairly admitted that CBDT circular No. 3/2018 is applicable to this appeal, hence, this appeal of the Revenue is liable to be dismissed.

3. It may be noted that CBDT vide Circular No. 3/2018 dated 11.07.2018 has revised the monetary limit upto Rs.20 lacs for filing appeals by the Department before the Tribunal and further vide para 13 of the said Circular it has been clarified that said circular is applicable retrospectively to the pending appeals also. The Hon'ble Punjab & Haryana

High Court in the case of “Principal CIT of Income Tax Vs. Surinder Kumar Singhal” ITA No 406-2016 (O&M) vide order dated 30.1.2017 while further relying upon the decision of the Hon'ble Supreme Court in the case of “CIT Vs. Dhanalekshmi Bank Ltd.” (2015) 373 ITR 526 (SC), has dismissed the appeal of the Revenue without going into the merits due to low tax effect leaving the question of law open. In view of the CBDT Circular No. 03/2018 (supra) and in the light of the above referred to decision of the Hon'ble Jurisdictional Punjab & Haryana High Court (supra), the present appeal of the Revenue is dismissed due to low tax effect.

4. It is, however, clarified that the dismissal of the above appeal shall not be taken to be affirmation of the order of the CIT(A) on merits. The legal issue raised by the Revenue is being left open to be adjudicated in an appropriate case.

5. In the result, the Departmental appeal is dismissed.

Order pronounced in the Open Court.

Sd/-
(SANJAY GARG)
JUDICIAL MEMBER

Sd/-
(ANNAPURNA GUPTA)
ACCOUNTANT MEMBER

Dated : 30th July, 2018

Rati

Copy to:

1. The Appellant
2. The Respondent
3. The CIT(A)
4. The CIT
5. The DR

Assistant Registrar,
ITAT, Chandigarh

