

INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C": NEW DELHI
BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No.5578/Del/2015
(Assessment Year: 2008-09)

DCIT, Central Circle-6, 13A, Subhash Road, Aayakar Bhawan, Dehradun (Appellant)	Vs.	Kanatal Resorts & Spa. Ltd, 26/06, East Patel Nahar, New Delhi (Respondent)
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Revenue by :	Shri A.K. Yadav, Sr. DR
Assessee by:	Shri Manish Garg, CA
Date of Hearing	14/08/2018
Date of pronouncement	14/08/2018

O R D E R

PER PRASHANT MAHARISHI, A. M.

1. This appeal filed by the Department is directed against the order dated 15.07.2015 of Id CIT(A), Dehradun for the Assessment Year 2008-09, wherein, demand of tax u/s 153A(1)(b) of Rs. 3272560/- levied by the Id AO is deleted.
2. At the outset of the hearing itself, the Id. DR brought to our attention that CBDT vide Circular No.03/2018 dated 11TH July 2018 has decided that the revenue would not prefer an appeal before the Tribunal if the tax effect is less than Rs.20 lakhs. Therefore, he pleaded that the appeal of the revenue be decided as per the instruction of the CBDT. Ld AR also reiterated same facts.
3. We have heard both the sides on the issue and perused the material. We find that the CBDT vide circular dated 11th July 2018 has revised the monetary limit for filing the appeal by the department before Income Tax Appellate Tribunal, Hon'ble High Courts and Hon'ble Supreme Court. The relevant para of the aforesaid circular is reproduced as under :-

"3. Henceforth, appeals/SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder :-

Sl.No.	Appeals in Income-tax matters	Monetary Limit(in Rs.)
1.	Before Appellate Tribunal	20,00,000
2.	Before High Court	50,00,000
3.	Before Supreme Court	1,00,00,000

It is clarified that an appeal should not be filed merely because the tax effect in a case exceeds the monetary limits prescribed above. Filing of appeal in such cases is to be decided on merits of the case."

4. We find that the tax effect involves in the appeal of the Revenue is below Rs.20 lakhs. There is no dispute that the Board's instructions or directions issued to the Income-tax authorities are binding on those authorities, therefore, the Department should have withdrawn/not pressed the present appeal in view of the aforesaid instruction since the tax effect in the instant appeal is less than the amount of Rs.20 lakhs.
5. In view of the above, Circular No.3/2018 dated 10.07.2018 will apply to all pending appeals. Therefore the precedent, it is held that the appeal is not maintainable in the instant case as the tax effect is less than Rs.20 lakhs. Accordingly, it is held that appeal filed by the revenue is not maintainable.
6. In the result, appeal filed by the department is dismissed.

Order pronounced in the open court on 14/08/2018.

-Sd/-

(BHAVNESH SAINI)
JUDICIAL MEMBER

-Sd/-

(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated:18/08/2018
A K Keot

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

ASSISTANT REGISTRAR
ITAT, New Delhi