

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH 'D + SMC' : NEW DELHI)**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
and
SHRI L.P. SAHU, ACCOUNTANT MEMBER**

**1. ITA No.5735/Del./2017
(ASSESSMENT YEAR : 2010-11)**

ITO, Ward 3,
Rohtak. vs. M/s. Om Investment,
H.No.509/19, Green Road,
Shakti Nagar,
Rohtak (Haryana).
(PAN : AABFO8695C)

ASSESSEE BY : Shri Rohan Khare, Advocate
Shri Karan Kumar, CA
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

**2. ITA No.710/Del./2018
(ASSESSMENT YEAR : 2011-12)**

ITO, Ward 4 (1),
Gurgaon. vs. Kumari Sanjana Ram,
H.No.18/11, DLF City, Phase-I,
Gurgaon.
(PAN : ACRPR5819J)

ASSESSEE BY : Shri S.C. Sannigrahi, FCA
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

**3. ITA No.841/Del./2018
(ASSESSMENT YEAR : 2007-08)**

ACIT, Circle 6 (1),
New Delhi. vs. M/s. CHL South Hotels Ltd.,
Hotel Crown Plaza Surya,
New Friends Colony,
New Delhi-110 025.
(PAN : AACCC6152E)

ASSESSEE BY : Shri S.C. Sannigrahi, FCA
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

**4. ITA No.7356/Del./2017
(ASSESSMENT YEAR : 2014-15)**

ACIT, Central Circle-3, vs. Smt. Anita Singhal,
New Delhi. R/o F – 100, 1st Floor, Rajouri Garden,
New Delhi.
(PAN : BAPPS5839B)

ASSESSEE BY : None
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

**5. ITA No.5723/Del./2017
(ASSESSMENT YEAR : 2012-13)**

ACIT, Circle 27 (2), vs. M/s. Xavient Information Systems
New Delhi. (India) Pvt. Ltd.,
PH – 702, Tennessee Tower,
Omaxe Forest, Sector 92,
Noida (U.P.)
(PAN : AAACZ0926H)

ASSESSEE BY : Shri Ashwani Taneja, Advocate
Shri Lakshay Goyal, Advocate
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

**6. ITA No.7363/Del./2017
(ASSESSMENT YEAR : 2015-16)**

ACIT, Central Circle-3, vs. Shri Himanshu Singal,,
New Delhi. R/o F – 100, 1st Floor, Rajouri Garden,
New Delhi-110 027.
(PAN : CNYPS3849G)

ASSESSEE BY : None
REVENUE BY : Shri Kaushlendra Tiwari, Senior DR

(APPELLANT)

(RESPONDENT)

Date of Hearing : 16.08.2018

Date of Order : 16.08.2018

ORDER

PER BENCH :

These appeals by the Revenue arise out of the orders passed by the CIT(A) in relation to the captioned assessment years.

2. Perusal of the aforesaid appeals filed by the Revenue apparently show that the same is having low tax effect as per CBDT Circular No.3/2018 dated 11th July, 2018 vide which the Revenue has been directed not to prefer any appeal in case the tax effect is less than Rs.20,00,000/- and this factual position has been fairly conceded by the Ld. D.R. The Ld. Authorized Representatives contended that the appeals of the Revenue may be dismissed in the light of CBDT Circular (supra).

3. We have heard parties on the issue in controversy and perused the material on record. Perusal of CBDT Circular (supra) shows that monetary limit for filing the appeal by the Department before the Tribunal, Hon'ble High Court and Hon'ble Supreme Court has been revised and the relevant portion of the aforesaid circular is extracted as under:

“Subject: Revision of monetary limits for filing of appeals by the Department before Income Tax Appellate Tribunal, High Courts and SLPs/appeals before Supreme Court-measures for reducing litigation-Reg.

Reference is invited to Board's Circular No. 21 of 2015 dated 10.12.2015 wherein monetary limits and other conditions for filing departmental appeals (in Income-tax matters) before

Income Tax Appellate Tribunal, High Courts and SLPs/ appeals before Supreme Court were specified.

2. In supersession of the above Circular, it has been decided by the Board that departmental appeals may be filed on merits before Income Tax Appellate Tribunal and High Courts and SLPs/ appeals before Supreme Court keeping in view the monetary limits and conditions specified below.

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

<i>S. No.</i>	<i>Appeals/SLPs in Income-tax matters</i>	<i>Monetary Limit (in Rs)</i>
<i>1</i>	<i>Before Appellate Tribunal</i>	<i>20,00,000/-</i>
<i>2</i>	<i>Before High Court</i>	<i>50,00,000/-</i>
<i>3</i>	<i>Before Supreme Court</i>	<i>1,00,00,000/-</i>

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.

.....

12. It is clarified that the monetary limit of Rs. 20 lakhs for filing appeals before the ITAT would apply equally to cross objections under section 253(4) of the Act. Cross objections below this monetary limit, already filed, should be pursued for dismissal as withdrawn/ not pressed. Filing of cross objections below the monetary limit may not be considered henceforth. Similarly, references to High Courts and SLPs/ appeals before Supreme Court below the monetary limit of Rs. 50 lakhs and Rs. 1 Crore respectively should be pursued for dismissal as withdrawn/ not pressed. References before High Court and SLPs/ appeals below these limits may not be considered henceforth.

13. This Circular will apply to SLPs/ appeals/ cross objections/ references to be filed henceforth in SC/HCs/Tribunal and it shall also apply retrospectively to pending SLPs/ appeals/ cross objections/references. Pending appeals below the specified tax limits in para 3 above may be withdrawn/ not pressed.

14. The above may be brought to the notice of all concerned.

15. This issues under Section 268A of the Income-tax Act 1961.....”

4. The contention of Ld. Sr. D.R. that he needs some time to procure the report from the Assessing Officer to work out the tax effect, is not tenable because when apparently, the appeal in question is covered under CBDT Circular No.3/2018 dated 11th July, 2018 (supra), the Revenue cannot import the facts within the knowledge of the Assessing Officer to further prolong the matter. However, in case any fact which is otherwise not on record, warrants the restoration of the present appeal, the revenue is at liberty to approach the Tribunal under relevant provisions of law.

5. In view of the CBDT Circular No.3/2018 dated 11.07.2018 having retrospective effect and what has been discussed above, we are of the considered view that the aforesaid appeals are not maintainable because of low tax effect i.e. less than Rs.20,00,000/- hence, the aforesaid appeals filed by the Revenue is hereby dismissed having been become infructuous.

Order pronounced in open court on this 16th day of August, 2018 after the conclusion of the hearing.

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

**sd/-
(L.P. SAHU)
ACCOUNTANT MEMBER**

**Dated the 16th day of August, 2018
TS**

Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(A).
- 5.CIT(ITAT), New Delhi.

AR, ITAT
NEW DELHI.