

आयकर अपीलिय अधिकरण "ए" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, PUNE

श्री डी. करुणाकरा राव, लेखा सदस्य, एवं श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष ।
BEFORE SHRI D. KARUNAKARA RAO, AM AND SHRI VIKAS AWASTHY, JM

आयकर अपील सं. / ITA No.1180/PUN/2016

निर्धारण वर्ष / Assessment Year : 2012-13

The Assistant Commissioner of Income Tax,
Circle – 1, Jalgaon

.....अपीलार्थी / Appellant

बनाम / V/s.

M/s. Bhalchandra Prabhakar Patil (HUF),
Plot No. F-23, MIDC,
Jalgaon – 425003

PAN : AACHP2472F

.....प्रत्यर्थी / Respondent

Assessee by : Smt. Deepa Khare
Revenue by : Shri Sanjeev Ghei

सुनवाई की तारीख / Date of Hearing : 11-09-2018

घोषणा की तारीख / Date of Pronouncement : 11-09-2018

आदेश / ORDER

PER VIKAS AWASTHY, JM :

The appeal has been filed by the Revenue against the order of Commissioner of Income Tax (Appeals)-2, Nashik dated 17-03-2016 for the assessment year 2012-13.

2. Smt. Deepa Khare appearing on behalf of the assessee submitted at the outset that the appeal of the Revenue is liable to be dismissed on account of low tax effect in terms of recent CBDT Circular No. 3/2018, dated 11-07-2018. The ld. Counsel furnished working of tax effect. As per the calculation sheet provided by the assessee, the tax effect is Rs.18,72,622/- including Surcharge and Cess.

3. Shri Sanjeev Ghei representing the Department fairly admitted that tax effect in the present appeal by the Department is less than Rs.20 Lakhs.

4. Both sides heard. The Revenue is in appeal against the order of Commissioner of Income Tax (Appeal) in deleting the disallowance of addition made on account of unsecured loan of Rs.65,53,604/-. The tax effect as per the calculation of assessee is Rs.18,72,622/-. The ld. DR has not raised any objection to the calculation furnished by assessee. Admittedly, the tax effect involved in appeal is less than the monetary limit prescribed by the recent CBDT Circular for filing of appeals before the Tribunal by the Department. The CBDT vide Circular No. 3/2018, dated 11-07-2018 has raised the monetary limit of tax effect for filing of appeals by the Department before the Tribunal to Rs.20 lakhs. The Circular applies to the appeals to be filed by the Department in future as well as the appeals pending before the Tribunal. Without going into merit of the issues raised in the appeal, in view of the CBDT Circular the present appeal of the Revenue is dismissed on account of low tax effect.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeal, with the requisite material to show that the appeal is protected by the exceptions prescribed in Para 10 of the Circular (supra).

6. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court at the time of hearing on Tuesday, the 11th day of September, 2018.

Sd/-	Sd/-
(डी. करुणाकरा राव/D. Karunakara Rao)	(विकास अवस्थी / Vikas Awasthy)
लेखा सदस्य / ACCOUNTANT MEMBER	न्यायिक सदस्य / JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 11th September, 2018

RK

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त (अपील) / The CIT(A)-2, Nashik
4. The Pr. CIT-2, Nashik
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच,
पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति // True Copy//

आदेशानुसार / BY ORDER,

निजी सचिव / Private Secretary,
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune