

INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "G": NEW DELHI
BEFORE SHRI KULDIP SINGH, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No. 5325/Del/2015
(Assessment Year: 2011-12)

DCIT, Central Circle-07, New Delhi	Vs.	Ravi Kant Jaipuria, Plot NO. 7A, Aurangzeb Road, New Delhi PAN: ANJPJ6194Q
(Appellant)		(Respondent)

Revenue by :	Shri S.S.Rana, CIT DR
Assessee by:	Shri Akshat Jain, CA Shri Rajat Jain, CA
Date of Hearing	24/09/2018
Date of pronouncement	24/09/2018

O R D E R

PER PRASHANT MAHARISHI, A. M.

1. This is an appeal filed by the revenue against the order of the Id CIT(A)-24, New Delhi dated 06/06/2015 for the Assessment Year 2011-12.
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. He further referred to another Circular dated 20.08.2018 issued by CBDT and submitted that the cases which are falling into exception cannot be dismissed, even if tax effect is less than Rs. 20 lakhs. He, therefore, submitted that he needs to verify whether any such facts are existing in the above listed cases. Therefore, he pleaded that the appeals of the revenue be decided as per the instruction of the CBDT.
3. Ld AR also reiterated same facts.
4. 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 :-

<i>Sl.No.</i>	<i>Appeals 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."

5. We have consciously reviewed each of the above appeals, however, could not find any such issues involved in these appeals which are covered by exception to the tax effect circular as mentioned in amended Para No. 10 of that Circular. Instantaneously, Id DR also could not show any such instance in these appeals.
6. 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 appeals filed by the revenue are not maintainable. We also hastened to add that certain times instances stated in para No. 10 of the circular are not discernable from the assessment and appellate orders, therefore, in such cases, we also give liberty to revenue that if such instances comes to their notice than he may file miscellaneous application with such evidences.

6. In the result, appeals filed by the department is dismissed.

Order pronounced in the open court on 24/09/2018.

-Sd/-

(KULDIP SINGH)
JUDICIAL MEMBER

-Sd/-

(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated:24/09/2018

A K Keot

Copy forwarded to

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

ASSISTANT REGISTRAR
ITAT, New Delhi