

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCHES : 'E : NEW DELHI  
BEFORE SHRI R.S. SYAL, VICE PRESIDENT  
AND  
SHRI LALIET KUMAR, JUDICIAL MEMBER

ITA Nos.3053 & 3054/Del/2015  
Assessment Years : 2007-08 & 2008-09

DCIT (LTU),  
Circle-1, NBCC Plaza,  
Pushp Vihar, Saket,  
New Delhi.

Vs. Max New York Life Insurance  
Co. Ltd.,  
Plot No.90-A, Sector-18,  
HUDA, Phase-1,  
Gurgaon.

PAN: AACCM3201E

CO Nos.469 & 470/Del/2015  
(ITA Nos.3053 & 3054/Del/2015)  
Assessment Years : 2007-08 & 2008-09

Max New York Life Insurance  
Co. Ltd.,  
Plot No.90-A, Sector-18,  
HUDA, Phase-1,  
Gurgaon.

Vs. DCIT (LTU),  
Circle-1, NBCC Plaza,  
Pushp Vihar, Saket,  
New Delhi.

PAN: AACCM3201E

(Appellant)

(Respondent)

Assessee By : Shri Himanshu Sinha, CA  
Department By : Ms Shefali Swaroop, CIT, DR

Date of Hearing : 11.10.2018  
Date of Pronouncement : 11.10.2018

ORDER

PER BENCH:

These two appeals filed by the Revenue and equal number of Cross Objections filed by the assessee relate to assessment years 2007-08 & 2008-09.

2. During the course of hearing, the Id. AR submitted that pursuant to the mandate of section 268A the CBDT has issued Circular No. 03 of 2018, dated 11th July, 2018 with retrospective effect, revising the monetary limit to Rs.20,00,000/- for not filing appeals before the Tribunal. He further submitted that as the tax effect involved in the instant appeals is less than Rs.20,00,000/-, the extant appeals are not maintainable. The Id. D.R., although supported the order of the Assessing Officer, but could not controvert the fact that tax effect involved in these appeals is less than Rs.20,00,000/-.

3. We have heard the parties and perused the relevant material on record. Going by the prescription of the aforementioned Circular, it is palpable that the Instruction is applicable to the pending appeals also with retrospective effect and there is a clear-cut direction to the Department to withdraw or not press such appeals filed before the ITAT, wherein tax effect is less than Rs.20,00,000/-. We are, therefore, of the view that the Revenue should have either not filed the instant appeals before the Tribunal or withdrawn the same as the tax effect in these appeals is admittedly less than the prescribed limit, i.e., Rs. 20,00,000/- for not filing the appeal. Accordingly, we dismiss the instant appeals without going into merits of the case.

4. The Id. AR admitted that the Cross Objections of the assessee have become infructuous in view of the dismissal of the appeals of the Revenue. We dismiss the C.Os. of the assessee.

5. In the result, the appeals of the Revenue stand dismissed.

The order pronounced in the open court on 11.10.2018.

Sd/-

Sd/-

[LALIET KUMAR]  
JUDICIAL MEMBER

[R.S. SYAL]  
VICE PRESIDENT

Dated, 11<sup>th</sup> October, 2018.

dk

Copy forwarded to:

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

AR, ITAT, NEW DELHI.