

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "SMC" : DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER

ITA.No.4167/Del./2018
Assessment Year 2014-2015

The Income Tax Officer, Ward-34(4), Room No.713, 7 th Floor, E-2 Block, Dr. S.P. Mukharjee Civic Center, J.L.N. Nehru Marg, New Delhi 110 002.	vs.	Shri Ashok Chadha, B-1/74, Ashok Vihar, Phase-II, New Delhi – 110 052. PAN AAEP0200G
(Appellant)		(Respondent)

For Revenue :	Dr. Anjula Jain, Sr. D.R.
For Assessee :	-None-

Date of Hearing :	18.10.2018
Date of Pronouncement :	18.10.2018

ORDER

This appeal by Revenue has been directed against the Order of the Ld. CIT(A)-12, New Delhi, Dated 17.01.2018, for the A.Y. 2014-2015.

2. In this case, A.O. has made addition of Rs.38,25,000/- for short term capital loss. I have heard the Learned D.R. Admittedly, the tax effect in the Departmental

Appeal is less than Rs.20 lakhs. Vide Circular No. 3 of 2018 dated 11.07.2018 issued by CBDT under section 268A of the I.T. Act, it has been directed that Department shall not file appeal before the Tribunal in case where the tax effect does not exceed the monetary limit of Rs.20 lakhs. It is also directed that this instruction will apply retrospectively to the pending appeals and appeals to be filed henceforth in the Tribunal. Pending appeals below the specified tax effect may be withdrawn/not pressed. Learned Sr. D.R. in view of the above Board Circular did not press the Departmental Appeal. I may also note that the Appeal of the Department above would not fall within the exceptions provided in the Board Circular. In the result, the Departmental Appeal is not maintainable as have been filed against the instruction of the Board. The Departmental Appeal is dismissed as withdrawn/not pressed by the Learned Sr. D.R.

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

Order pronounced in the open Court.

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Dated 18th October, 2018

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT 'SMC' Bench, Delhi
6.	Guard File.

// BY Order //

Assistant Registrar : ITAT Delhi Benches :
Delhi.