

**IN THE INCOME TAX APPELLATE TRIBUNAL  
Hyderabad ' B ' Bench, Hyderabad**

**Before Smt. P. Madhavi Devi, Judicial Member  
AND  
Shri S.Rifaur Rahman, Accountant Member**

**ITA No.1575/Hyd/2017**  
(Assessment Year: 2013-14)

Dy. Commissioner of Income Tax, Circle 2(2) Hyderabad <i>(Appellant)</i>	Vs	Good Health Agro Tech Private Limited Hyderabad PAN: AAACG7494F <i>(Respondent)</i>
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For Revenue :	Smt. M. Narmada, DR
For Assessee:	Shri C.V. Narasimham

Date of Hearing:	23.10.2018
Date of Pronouncement:	31.10.2018

**ORDER**

**Per Smt. P. Madhavi Devi, J.M.**

This is Revenue's appeal for the A.Y 2013-14 against the order of the CIT (A)-2, Hyderabad, dated 30.06.2017. The Revenue has raised the following grounds of appeal:

*" 1. The CIT (A) erred both on facts of the case and in law.*

*2. In the facts and circumstances of the case, whether the CIT (A) is correct in law in holding that the assessee had discharged its onus of establishing the bonafide of the transactions even though neither the assessee nor the creditors could substantiate their claim to the satisfaction of AO.*

*3. In the facts and circumstances of the case, whether the CIT (A) is correct in law in deleting addition made u/s 68 towards unexplained share capital/share application money of investor company which has made huge investments, without considering the credit worthiness of these companies.*

*4. Any other ground that may be urged at the time of hearing”.*

2. At the time of hearing, the learned Counsel for the assessee submitted that the tax effect of the addition which is challenged before the Tribunal is less than Rs.20.00 lakhs. We find that the addition made u/s 68 towards unexplained share capital is only of Rs.40.00 lakhs and the tax effect is admittedly less than Rs.20.00 lakhs. The learned DR also confirmed the above fact. Therefore, in view of the CBDT Circular No. 03/2018, dated 11.07.2018 and considering the fact that the tax effect in the instant appeal is less than Rs.20 lakhs, the present appeal deserves to be dismissed as not pressed/not maintainable. However, we make it clear that the issues raised in the instant appeal is left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeal falls in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recall the order, if so, advised.

3. Accordingly, in the light of CBDT Circular No. 03/2018 dated 11.07.2018, the appeal stands dismissed. Order pronounced in the Open Court on 31<sup>st</sup> October, 2018.

**Sd/-**  
**(S.Rifaur Rahman)**  
**Accountant Member**

**Sd/-**  
**(P. Madhavi Devi)**  
**Judicial Member**

Hyderabad, dated 31<sup>st</sup> October, 2018.  
**Vinodan/sps**

Copy to:

- 1 Dy.CIT, Circle 2(2), Room No.513, 5<sup>th</sup> Floor, Signature Towers, Kondapur, Hyderabad
- 2 M/s. Good Health Agrotech Pvt. Ltd, 1-8-663, Azamabad Industrial Area, RTC X Road, Hyderabad 500020
- 3 CIT (A)-2 Hyderabad
- 4 Pr. CIT – 2 Hyderabad
- 5 The DR, ITAT Hyderabad
- 6 Guard File

*By Order*