

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

श्री अनिल चतुर्वेदी, लेखा सदस्य, एवं श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष ।
BEFORE SHRI ANIL CHATURVEDI, AM AND SHRI VIKAS AWASTHY, JM

आयकर अपील सं. / ITA No.2608/PUN/2016

निर्धारण वर्ष / Assessment Year : 2010-11

Assistant Commissioner of Income Tax,
Ichalkaranji Circle, Ichalkaranji

.....अपीलार्थी / Appellant

बनाम / V/s.

M/s. Powercraft Electricals Pvt. Ltd.,
Plot No. 23 & 24, Phase No. 1, Sector-I,
Laxmi Sah. Audyogik Vasahat,
Hatkanangale, Distt.-Kolhapur

PAN : AABCP2245G

.....प्रत्यर्थी / Respondent

Assessee by : Shri M.K. Kulkarni
Revenue by : Shri Pankaj Garg

सुनवाई की तारीख / Date of Hearing : 12-11-2018

घोषणा की तारीख / Date of Pronouncement : 12-11-2018

आदेश / ORDER

PER VIKAS AWASTHY, JM :

The appeal has been filed by the Revenue against the order of Commissioner of Income Tax (Appeals)-2, Kolhapur dated 29-09-2016 for the assessment year 2010-11.

2. Shri M.K. Kulkarni 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 CBDT Circular No. 3/2018, dated 11-07-2018. The Id. Counsel for the assessee also filed working of tax effect involved. As per the working sheet furnished by the Id. Counsel the total tax effect including surcharge is Rs.13,33,300/-.

3. Shri Pankaj Garg representing the Department fairly admitted that in the present appeal by the Department tax effect 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 addition made on account of unproved purchases Rs.38,72,036/- u/s. 69C of the Act. Undisputedly, 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 Monday, the 12th day of November, 2018.

Sd/-	Sd/-
(अनिल चतुर्वेदी / Anil Chaturvedi)	(विकास अवस्थी / Vikas Awasthy)
लेखा सदस्य / ACCOUNTANT MEMBER	न्यायिक सदस्य / JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 12th November, 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, Kolhapur
4. प्रधान आयकर आयुक्त / The Pr. CIT-II, Kolhapur
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति // True Copy//

आदेशानुसार / BY ORDER,

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