

**आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, "बी" चण्डीगढ़**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**DIVISION BENCH, 'B', CHANDIGARH**

**श्री संजय गर्ग, न्यायिक सदस्य एवं डा. बी.आर.आर, कुमार, लेखा सदस्य**  
**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND**  
**DR. B.R.R. KUMAR, ACCOUNTANT MEMBER**

आयकर अपील सं./ ITA No. 991/CHD/2017

निर्धारण वर्ष / Assessment Year : 2012-13

The DCIT, Central Circle-II, Chandigarh	बनाम	M/s Octamac Software Pvt. Ltd., #3393, Sector 23-D, Chandigarh
स्थायी लेखा सं./PAN No: AABCO1920B		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Sh. Ashwani Kumar, CA

राजस्व की ओर से/ Revenue by : Sh. G.S.Phani Kishore, CIT DR

सुनवाई की तारीख/Date of Hearing : 15.11.2018

उद्घोषणा की तारीख/Date of Pronouncement : 15.11.2018

**आदेश/Order**

**Per Sanjay Garg, Judicial Member:**

The present appeal has been preferred by the Revenue against the order dated 31.03.2017 of the Commissioner of Income Tax (Appeals)-3, Guragaon [hereinafter referred to as CIT(A)].

2. At the outset, the Ld. Counsel of the assessee submitted that the tax effect involved in the present case is less than Rs. 20 lacs. The Ld. DR has also fairly admitted that CBDT Circular No. 3/2018 is applicable to this appeal, hence, this appeal of the Revenue is liable to be dismissed.

3. It may be noted that CBDT vide Circular No. 3/2018 dated 11.07.2018 has revised the monetary limit upto Rs.20 lacs for filing

appeals by the Department before the Tribunal and further vide para 13 of the said Circular it has been clarified that said circular is applicable retrospectively to the pending appeals also. The Hon'ble Punjab & Haryana High Court in the case of "Principal CIT of Income Tax Vs. Surinder Kumar Singhal" ITA No 406-2016 (O&M) vide order dated 30.1.2017 while further relying upon the decision of the Hon'ble Supreme Court in the case of "CIT Vs. Dhanalekshmi Bank Ltd." (2015) 373 ITR 526 (SC), has dismissed the appeal of the Revenue without going into the merits due to low tax effect leaving the question of law open. In view of the CBDT Circular No. 03/2018 (supra) and in the light of the above referred to decision of the Hon'ble Jurisdictional Punjab & Haryana High Court (supra), the present appeal of the Revenue is dismissed due to low tax effect.

It is, however, clarified that the dismissal of the above appeal shall not be taken to be affirmation of the order of the CIT(A) on merits. The legal issue raised by the Revenue is being left open to be adjudicated in an appropriate case.

Order pronounced in the Open Court.

Sd/-  
(बी,आर.आर. कुमार / B.R.R. KUMAR)  
लेखा सदस्य/ Accountant Member

Sd/-  
(संजय गर्ग / SANJAY GARG)  
न्यायिक सदस्य /Judicial Member

**Dated : 15.11.2018**

"आर.के."

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,  
सहायक पंजीकार/ Assistant Registrar