

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

BEFORE SHRI BHAVNESH SAINI, J.M. AND SHRI O.P. KANT, A.M.

ITA.No.5171/Del./2015
Assessment Year 2006-2007

The DCIT, Circle-18(1), Room No.212, C.R. Building, I.P. Estate, New Delhi.	vs.	M/s. Neo Style Interiors (P) Ltd., 39, Panchkuian Road (Back Portion), New Delhi PIN – 110 001. PAN AABCN8922E
(Appellant)		(Respondent)

For Revenue :	Smt. Naina Soin Kapil, Sr. D.R.
For Assessee :	-None-

Date of Hearing :	10.12.2018
Date of Pronouncement :	10.12.2018

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Revenue has been directed against the Order of the Ld. CIT(A)-6, Delhi, Dated 20.05.2015, for the A.Y. 2006-2007, challenging the quashing of the re-assessment order under sections 147/148 of the I.T. Act, 1961.

2. The A.O. in this case passed the assessment order Dated 30.01.2014 under section 143(3)/147 of the I.T.

Act and computed the income of assessee at (-) Rs.40,83,722/-. The assessee filed return of income at loss of (-) Rs.43,00,820/-. The A.O. made addition on account of disallowance of depreciation in a sum of Rs.Rs.2,17,098/-. Thus, admittedly, the tax effect in the Departmental Appeal is below 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 Pending appeals below the specified tax effect may be withdrawn/not pressed. We 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.

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

Order pronounced in the open Court.

Sd/-
(OP KANT)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 10th December, 2018

VBP/-

Copy to

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

// BY Order //

Assistant Registrar : ITAT Delhi Benches :
Delhi.