

IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI BENCH 'B',
NEW DELHI

BEFORE SHRI N. K. BILLAIYA, ACCOUNTANT MEMBER, AND
MS. SUCHITRA KAMBLE, JUDICIAL MEMBER

ITA No. 1903/DEL/2015
Assessment Year: 2010-11

The D.C.I.T.
Circle - 1(2)(1)
New Delhi

Vs.

CBRE P. Ltd
6, Battery Road
32/01, Singapore

PAN No. AADCC 6623 K

(APPELLANT)

(RESPONDENT)

Appellant by : Ms. Ashima Neb, Sr. DR

Respondent by : Shri Rishab Malhotra

Date of hearing: 27/02/2019

Date of Pronouncement: 28/02/2019

ORDER

PER N. K. BILLAIYA, ACCOUNTANT MEMBER:

This appeal by the Revenue is preferred against the order of the
ld. CIT(A) - 42, New Delhi dated 15.01.2015 pertaining to A.Y 2010-11.

2. The sole grievance of the Revenue is that the CIT(A) erred in holding that :

“the referral fees received from CBRE India was in the nature of commission, as the case of the assessee falls under Article 12(4)(a) of DTAA and the consideration received was for rendering of referral services which were ancillary and subsidiary to the enjoyments of confidential commercial information as such in the nature of Royalty/FTS.”

3. The Assessing Officer computed the taxable income and the Income tax as under:

Returned income	:	Nil
Add :		
Royalty income termed as referral Fees by the assessee as discussed Above.	:	Rs. 1,08,13,630/-
Total taxable income	:	Rs. <u>1,08,13,630/-</u>
Tax on above 15% of gross basis	:	Rs. 16,22,045/-

4. A perusal of the above shows that the total tax involved in the present appeal is Rs. 16.22 lakhs, which is less than Rs. 20 lakhs. This appeal by the Revenue has to be dismissed in the light of the CBDT

Circular No. 3/2018 dated 11.07.2018 by which the Board has revised the monetary limit for filing of appeals by the department before the ITAT and the monetary limit has been fixed at Rs. 20 lakhs. The Board at Clause 13 of the said Circular has clarified as under:

“This Circular will apply to SLPs/appeals/cross objections/references to be filed henceforth in Supreme Court/High Court/Tribunal and it shall also apply retrospectively to pending SLPs/appeals/cross objections/references. The pending appeals below the specified tax limit in para 3 above may be withdrawn/not pressed.”

4. In the light of the aforesaid CBDT Circular, the appeal filed by the Revenue is dismissed.

5. In the result, the appeal of the revenue in ITA No. 1903/DEL/2015 is dismissed.

Order pronounced in the open court on 28.02.2019.

Sd/-

**(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Sd/-

**(N. K. BILLAIYA)
ACCOUNTANT MEMBER**

Date: 28.02.2019

VL

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR, ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other member	
Date on which the approved draft comes to the Sr.PS/PS	
Date on which the fair order is placed before the Dictating Member for Pronouncement	
Date on which the fair order comes back to the Sr. PS/ PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which file goes to the Head Clerk.	
The date on which file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	