

**IN THE INCOME TAX APPELLATE TRIBUNAL
“ D ” BENCH, AHMEDABAD**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER And
SMT. MADHUMITA ROY, JUDICIAL MEMBER**

1. आयकर अपील सं./ITA No.2751/Ahd/2013

2. आयकर अपील सं./ITA No.628/Ahd/2014

(निर्धारण वर्ष/Assessment Years : 2009-10 & 2010-11 respectively)

1-2. The Income Tax Officer Ward-3(2) Ahmedabad	बनाम/ Vs.	1-2. Dipesh Prabhudas Kothari Prop.Pradeep Corporation 315, Rangati Bazar Astodis,Ahmedabad
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AABHK 2547 P		
(अपीलार्थी/Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से/ Appellant by : Shri Santosh Karnani, Sr.DR
प्रत्यर्थी की ओर से/Respondent by: Shri P.B.Parmar for M.K.Patel, AR

सुनवाई की तारीख/ Date of Hearing	21/02/2019
घोषणा की तारीख/Date of Pronouncement	28/02/2019

आदेश / O R D E R

PER MADHUMITA ROY, JUDICIAL MEMBER:

Both the captioned appeals have been filed at the instance of the Revenue against the separate orders of the Commissioner of Income Tax (Appeals)-6, Ahmedabad [CIT(A) in short] vide appeal no.CIT(A)-VI/Wd./3(2)/284/11-12 & 158/12-13 dated 23/09/2013 & 17.01.2014 arising in the assessment orders passed under s.143(3) of the Income Tax Act, 1961(hereinafter referred to as "the Act") dated 29.12.2011 & 22.02.2013 relevant to Assessment Years (AYs) 2009-10 & 2010-11.

2. At the time of the hearing, we observe that the tax effect in the appeals filed by the Revenue is less than Rs. 20 lacs. As per the Circular No. 3 of 2018 dated 11/07/2018 issued by CBDT recently all pending appeals filed by Revenue are liable to be dismissed/ withdrawn/ not pressed to reduce the litigation where the tax effect does not exceed the prescribed monetary limit, i.e., Rs.20 Lacs. The relevant extract of the circular is reproduced below:

- “2. In supersession of the above Circular, it has been decided by the Board that departmental appeals may be filed on merits before Income Tax Appellate Tribunal and High Courts and SLPs/ appeals before Supreme Court keeping in view the monetary limits and conditions specified below.*
3. *Henceforth, appeals/ SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder:*

S. No.	Appeals/ SLPs in Income-tax matters	Monetary Limit (Rs.)
1.	Before Appellate Tribunal	20,00,000
2.	Before High Court	50,00,000
3.	Before Supreme Court	1,00,00,000

The monetary limit for filing the appeals by the Revenue before the Tribunal has been increased to Rs. 20 Lacs. It is also clarified in the said Circular that the said monetary limit is applicable retrospectively even to the appeals pending before the Tribunal. The CBDT has also instructed that such pending appeals below this specified tax limit of Rs.20 lacs may be withdrawn / not pressed.

In the case on hand, it was noticed that the tax effect on the disputed issues raised by the Revenue is claimed to be less Rs.20 Lacs. Therefore appeals of the Revenue are required to be dismissed *in limine* in terms of the above circular.

3. The adjournment petition filed by the ld.counsel for the assessee is dismissed as it is hit by low tax effect.

4. The Ld. DR for the Revenue fairly agreed on the applicability of the CBDT Circular No. 3 of 2018. Accordingly, the appeals of the Revenue are dismissed as not maintainable. However, the Revenue is on the liberty to move the miscellaneous application to recall the orders if the tax effect exceeds the threshold limit or the cases of the Revenue falls in any of the exception provided in the aforesaid CBDT Circular in any manner. The MA shall be filed within the prescribed time. Hence the appeals of the Revenue are dismissed.

5. In the result, both the appeals filed by the department are dismissed.

This Order pronounced in Open Court on	28/02/2019
---	-------------------

Sd/-
(WASEEM AHMED)
ACCOUNTANT MEMBER
Ahmedabad; Dated 28 /02/2019
टी.सी.नायर, व.नि.स./T.C. NAIR, Sr. PS

Sd/-
(MADHUMITA ROY)
JUDICIAL MEMBER

ITA No.2751/Ahd/2013&
ITA No.628/Ahd/2014
ITO vs. Dipesh Prabhudas Kothari (HUF)
Asst.Years - 2009-10 & 2010-11

- 4 -

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-6, Ahmedabad
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad