

आयकर अपीलीय अधिकरण नागपुर न्यायपीठ, नागपुर में ।
IN THE INCOME TAX APPELLATE TRIBUNAL NAGPUR BENCH, NAGPUR

श्री डी. करुणाकरा राव, लेखा सदस्य, एवं श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष ।
BEFORE SHRI D. KARUNAKARA RAO, AM AND SHRI VIKAS AWASTHY, JM

आयकर अपील सं. / ITA No.70/NAG/2018
निर्धारण वर्ष / Assessment Year : 2014-15

The Income Tax Officer,
Ward – 1(1), Nagpur

.....अपीलार्थी / Appellant

बनाम / V/s.

M/s. Srivari Builders & Developers,
Plot No. 122, Near Pakodawala
Somwari Bazar Road, Sitabuldi,
Nagpur – 440012

PAN : ACBFS6172L

.....प्रत्यर्थी / Respondent

Assessee by : Shri K.P. Dewani
Revenue by : Shri U.U. Kasar

सुनवाई की तारीख / Date of Hearing : 28-03-2019

घोषणा की तारीख / Date of Pronouncement : 28-03-2019

आदेश / ORDER**PER VIKAS AWASTHY, JM :**

The appeal has been filed by the Revenue against the order of Commissioner of Income Tax (Appeals)-1, Nagpur dated 29-01-2018 for the assessment year 2014-15.

2. Shri K.P. Dewani appearing on behalf of the assessee submitted at the outset that the appeal by Revenue is liable to be dismissed on account of low tax effect in terms of recent CBDT Circular No. 3/2018, dated 11-07-2018.

3. Shri Shri U.U. Kasar representing the Department stated that apparently in the present appeal by the Department tax effect is less than Rs.20 Lakhs.

4. We have heard the submissions of ld. DR and have perused the material available on record. The ld. AR of the assessee has filed working indicating that the Revenue is in appeal against the order of Commissioner of Income Tax (Appeal) in deleting the addition of Rs.35,03,484/- u/s. 43CA of the Income Tax Act, 1961 (hereinafter referred to as "the Act") and Rs.2,65,730/- u/s. 40(a)(ia) of the Act. Prima-facie, the tax effect involved

in appeal is less than the monetary limit prescribed by the 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 mentioned 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 Thursday, the 28th day of March, 2019.

Sd/-
(डी. करुणाकरा राव/D. Karunakara Rao)
लेखा सदस्य / ACCOUNTANT MEMBER

Sd/-
(विकास अवस्थी / Vikas Awasthy)
न्यायिक सदस्य / JUDICIAL MEMBER

नागपुर / Nagpur; दिनांक / Dated : 28th March, 2019.

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)-1, Nagpur
4. The Pr. Commissioner of Income Tax-I/II/III, Nagpur
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर बेंच,
नागपुर / DR, ITAT, Nagpur Bench, Nagpur.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति // True Copy//

आदेशानुसार / BY ORDER,

निजी सचिव / Private Secretary,
आयकर अपीलीय अधिकरण, नागपुर / ITAT, Nagpur