

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "D": NEW DELHI**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

ITA No. 2711/Del/2013
Assessment Year 2004-05

ACIT Cent. Circle 23 New Delhi.	Vs.	Gahoi Buildwell Pvt. Ltd. (now known as V3S Infratech P Ltd. earlier known as Ankur Distributors P. Ltd. A-20, Naraina Industrial Area, Phase-1, Naraina New Delhi PAN AABCG9474A
(Appellant)		(Respondent)

Department by:	Shri J.K. Mishra, DR
Assessee by :	Shri Sanjay Kumar, CA Shri Akarsh Garg, Advocate
Date of Hearing	13/03/2019
Date of pronouncement	29/03/2019

ORDER

PER AMIT SHUKLA, J.M.:

This is an appeal filed by the Revenue directed against the order of Ld. Commissioner of Income Tax (APPEALS) XXXIII New Delhi dated 22.09.2015 pertaining to the assessment year 2004-05.

2. During the course of hearing, the Ld. DR submitted that though in the grounds of appeal figure of disputed issue has been wrongly mentioned as Rs. 3,96,76,291/- but the actual disputed amount is Rs. 35,00,000/- which is the addition made by the AO. Thus, he admitted

although supported the order of the AO, that tax effect involved in this appeal is less than Rs. 20,00,000/-. The Ld. Counsel appearing for the assessee contended that the present appeal of the Revenue is not maintainable in view of recent Circular of CBDT No. 3/2018 dated 11th July, 2018, whereby the monetary limit of tax effect for not filing appeals before the Tribunal has been revised to Rs. 20,00,000/-. The computation of addition made in the assessment order is as under :-

Income as assessed u/s 153A	
Vide order dated 26.12.2007	= 3,96,76,291/-
Add: Unexplained cash credit u/s 68	= 35,00,000/-

TOTAL INCOME	= 4,31,76,291/-

3. Thus, the disputed amount is only Rs. 35,00,000/-. Having considered the rival submissions and the material available on record, including the above circular, we find that the above circular of CBDT on pecuniary limit has been issued in supersession of earlier CBDT Circular No. 21 of 2015 dated 10.12.2015, revising the monetary limit of tax effect from Rs. 10,00,000/- to Rs. 20,00,000/-. These instructions of CBDT have now statutory force within the provisions of section 268A and are made applicable to the pending appeals also by virtue of para 13 of the Circular.

4. This Circular contains clear instructions to the Department to withdraw or not to press such appeals filed before the ITAT wherein tax effect involved does not exceed Rs. 20,00,000/-. It is not the case of the Revenue that the present appeal comes within the sweep of exclusion clauses as given in para No. 10 & 11 of the said Circular. Thus, going by the prescription of the afore-noted CBDT instructions, and without going into merits of the case, we dismiss the instant

appeal filed by the Revenue, being not maintainable, as the tax effect involved in this appeal is less than Rs. 20.00 lacs.

5. In the result, the appeal of the Revenue stands dismissed as indicated above.

This decision was pronounced in the Open Court on 29th March, 2019.

sd/-

**(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER**

Dated: 29 /03/2019

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

sd/-

**(AMIT SHUKLA)
JUDICIAL MEMBER**

ASSISTANT REGISTRAR
ITAT, New Delhi