

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

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER  
AND  
SHRI L.P. SAHU, ACCOUNTANT MEMBER**

ITA No.3980/Del/2016  
Asstt. Year: 2012-13

ACIT, Central Circle- 72(1), Room No. 407, D-Block, Civic Centre New Delhi 110 002.	Vs.	Shri Ravinder Zutshi 7, NH-IV, Part-III, Vikram Vihar Extn. New Delhi – 110024 PAN AAAPZ00100
<b>(Appellant)</b>		<b>(Respondent)</b>

Department by:	Shri Surender Pal, Sr. DR
Assessee by :	Shri A.K. Batra, FCA
Date of Hearing	28/02/2019
Date of pronouncement	29/04/2019

**ORDER**

**PER L.P. SAHU, A.M**

This is an appeal filed by the Revenue is directed against the order of Ld. Commissioner of Income Tax (APPEALS) 21, New Delhi dated 02.04.2016 pertaining to the assessment year 2012-13.

2. During the course of hearing, the Ld. DR supported the order of the AO and submitted that the full value of consideration determined

by the AO at Rs.1,80,00,000/- as against Rs.81,05,600/- declared by assessee, is based on cogent material on record and it needs no interference. It was submitted that, therefore, the addition of difference amount of Rs.98,94,400/- has wrongly been deleted by the ld CIT(A). He, therefore, urged for restoration of assessment order.

3. On the other hand, the ld. AR of the assessee relied on the order of the ld. CIT(A).

4. We have heard both the parties and have gone through the entire material on record. A perusal of assessment order reveals that the ld. Assessing Officer while computing the long term capital gain has taken into account the full value of consideration at Rs.1,80,00,000/-, indexed cost of acquisition at Rs.24,98,864/- resulting into long-term capital gain of Rs.1,55,01,136/-. The AO has also given exemption of Rs.68,38,388/- u/s. 54 of the Act and has worked out the taxable long term capital gain at Rs.86,62,748/- and accordingly has made net addition of this amount. We, however, find that the tax effect on this addition does not exceed Rs.20,00,000/-. Therefore, in our opinion, 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/-. 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 29<sup>th</sup> April, 2019.

sd/-  
**(AMIT SHUKLA)**  
**JUDICIAL MEMBER**

Dated: 29/04/2019

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

sd/-  
**(L.P. SAHU)**  
**ACCOUNTANT MEMBER**

ASSISTANT REGISTRAR  
ITAT, New Delhi

