

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCHES "SMC" : DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER

ITA.No.5940/Del./2016  
Assessment Year 2011-2012

The Income Tax Officer, Ward-35(3), Room No.809, 8 <sup>th</sup> Floor, E-2 Block, Civic Centre, J.L. Nehru Marg, New Delhi – 110 002.	vs.	Mohd. Nadeem, 340, Shahzada Bagh, Ph-1, New Delhi-110035. PAN AIHPN0977C
(Appellant)		(Respondent)

For Revenue :	Shri S.L. Anuragi, Sr. D.R.
For Assessee :	Shri Ashvini Kumar, Advocate.

Date of Hearing :	02.05.2019
Date of Pronouncement :	02.05.2019

**ORDER**

This appeal by Revenue has been directed against the Order of the Ld. CIT(A)-12, New Delhi, Dated 31.08.2016, for the A.Y. 2011-2012, challenging the deletion of addition of Rs.40,73,569/- made under section 69A of the I.T. Act, 1961.

2. Earlier, the departmental appeal was allowed for statistical purposes vide Order dated 31.05.2017. However,

the said Order was recalled by allowing the M.A. filed by the assessee vide Order dated 03.04.2019. The Departmental Appeal was fixed for hearing.

3. Admittedly, the tax effect in the present appeal is less than Rs.20 lakhs. Vide Circular No.3/2018 Dated 11<sup>th</sup> July, 2018 issued by CBDT, it has been directed that the Department shall not file appeal before the Tribunal in case where the tax effect does not exceed the monetary limit of Rs.20 lakhs. It is also directed that this instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in Tribunals. Pending appeals below the specified tax limit may be withdrawn/not pressed. The Ld. D.R. in view of the Board's Circular above did not press the Departmental Appeal. The case of the Department would not fall in the exceptions provided in the above Board Circular. In the result, the Departmental appeal is not maintainable as the appeal is filed against the Board instructions referred to above and therefore, the appeal of the Department is liable to be dismissed.

4. In the result, appeal of the Department dismissed.

Order pronounced in the open Court.

Sd/-  
(BHAVNESH SAINI)  
JUDICIAL MEMBER

Delhi, Dated 02<sup>nd</sup> May, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT 'SMC' Bench, Delhi
6.	Guard File.

// By Order //

Assistant Registrar : ITAT Delhi Benches :  
Delhi.