

**IN THE INCOME TAX APPELLATE TRIBUNAL**

**AHMEDABAD “C” BENCH**

**(BEFORE SHRI MAHAVIR PRASAD, JUDICIAL MEMBER  
& SHRI WASEEM AHMED, ACCOUNTANT MEMBER)**

**ITA. No: 3267/AHD/2011  
(Assessment Year: 2008-09)**

<b>ACIT, B.K. Circle, Palanpur</b>	<b>V/S</b>	<b>Jugalkishor Ramkishan Agrawal Infracon Pvt. Ltd. Ashok Villa, Opp: Old Adarsh High School, Deesa</b>
<b>(Appellant)</b>		<b>(Respondent)</b>

**PAN: AABCJ8888M**

**Appellant by : Shri Lalit P. Jain, Sr. D.R.  
Respondent by : Shri M.K. Patel,A.R.**

**(आदेश)/ORDER**

Date of hearing : 22 -04-2019  
Date of Pronouncement : 31-05-2019

**PER MAHAVIR PRASAD, JUDICIAL MEMBER**

1. This appeal filed by the Revenue is directed against the order of the Ld. CIT(A)-XX, Ahmedabad dated 13.10.2011 pertaining to A.Y. 2008-09.

2. At the outset, the Id. Counsel for the assessee submitted that the present appeal of the Revenue needs to be dismissed on account of low tax effect in view of the recent CBDT Circular No. 3 of 2018 dated 11.07.2018. Ld. Departmental Representative fairly admitted that the tax effect involved in this appeal is less than the limit prescribed by the aforesaid CBDT Circular.
  
3. We have heard both the parties and perused the material available on record. We find that prima-facie this appeal of the Revenue is not maintainable in view of the recent CBDT Circular No. 03/2015 in F.No.279/Misc. 142/2007-ITJ (Pt) dated 11<sup>th</sup> July 2018, vide which it has been decided by the Board that no departmental appeals should be filed before the Tribunal if the tax effect by virtue of the Commissioner of Income-tax (Appeals)'s order is below Rs. 20 lacs. The Board has provided exceptions at clause (10) of the Instructions wherein it has been provided that these instructions will not be applicable, where the Constitutional validity of the provisions of an Act/Rule is under challenge or where Board's order, notification, instruction or circular has been held to be illegal or where Revenue Audit objection in the case has been accepted by the Department or where the addition relates to undisclosed foreign assets/bank accounts, etc. We find that the present case does not fall within the exception clause and the tax is less than Rs.20 lacs. Therefore, the present appeal is not maintainable and hence dismissed.
  
4. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced in Open Court on	31 - 05- 2019
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Sd/-

Sd/-

**(WASEEM AHMED)**  
**ACCOUNTANT MEMBER** True Copy  
Ahmedabad: Dated 31/05/2019

**(MAHAVIR PRASAD)**  
**JUDICIAL MEMBER**