

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES 'E', NEW DELHI**

Before Sh. Bhavnesh Saini, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 2593/Del/2017 : Asstt. Year : 2007-08

DCIT, Circle-16(2), New Delhi	Vs	M/s Minda Investment Ltd., B-64/1, Wazirpur Industrial Area, Delhi-110052
(APPELLANT)		(RESPONDENT)
PAN No. AAACL1433F		

Assessee by : None

Revenue by : Ms. Rinku Singh, Sr. DR

Date of Hearing: 10.07.2019

Date of Pronouncement: 10.07.2019

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the Revenue against the order of the Ld. CIT(A)-6, Delhi dated 03.02.2017.

2. The Revenue has raised the following effective grounds:

"1. Whether on facts and in circumstances of the case, the Ld. CIT(A) is legally justified in deleting addition of Rs.50,00,000/- u/s 68 of the Income Tax Act, 1961 (the Act) even when the assessee had failed to discharge its initial onus to prove creditworthiness of lenders u/s 68 of the Act before the Assessing Officer(the AO) ?"

3. According to Circular No. 03/2018 dated 11/07/2018, the CBDT in supersession of earlier instructions has directed that department's appeals before ITAT shall not be filed in cases where the tax effect does not exceed the monetary limit of Rs. 20 lacs. The tax will not include any interest thereon. It is further clarified that if in the case of an assessee, disputed

issues arise in more than one assessment year, appeal can be filed in respect of such assessment year or years in which the tax effect in respect of disputed issues exceeds the monetary limit so specified.

4. Admittedly, in the departmental appeal, the tax effect is less than Rs. 20 lacs, therefore, departmental appeal is not maintainable. The Ld. DR could not bring to our notice any exceptions mentioned in the said Circular.

5. In the result, the appeal of the Revenue is dismissed.
(Order pronounced in the open Court on 10.07.2019)

Sd/-

(Bhavnes Saini)
Judicial Member

Dated: 10/07/2019

Subodh

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

ASSISTANT REGISTRAR