

**आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई**  
**IN THE INCOME TAX APPELLATE TRIBUNAL, 'B' BENCH, CHENNAI**  
**श्री जॉर्ज माथन, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य के समक्ष**  
**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND**  
**SHRI S. JAYARAMAN, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A.No.1569/CHNY/2014

(निर्धारण वर्ष / Assessment Year: 2007-08)

The ACIT, Company Circle III(1), Chennai	Vs	M/s. Taj Madras Flight Kitchen P. Ltd., No.6, Officers Lines, 272, GST Road, Pallavaram, Chennai – 600 043.
		PAN: AAAC7755J
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

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आयकर अपील सं./I.T.A.No.1705/CHNY/2014

(निर्धारण वर्ष / Assessment Year: 2007-08)

M/s. Taj Madras Flight Kitchen P. Ltd., No.6, Officers Lines, 272, GST Road, Pallavaram, Chennai – 600 043.	Vs	The ACIT, Company Circle III(1), Chennai
PAN: AAAC7755J		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

निर्धारित की ओर से /Assessee by	:	Shri Saroj Kumar Parida, Advocate
राजस्व की ओर से /Revenue by	:	Shri Abijit Rakshit, JCIT

सुनवाई की तारीख /Date of hearing	:	17.06.2019
घोषणा की तारीख /Date of Pronouncement	:	30.07.2019

**आदेश / ORDER**

**PER S. JAYARAMAN, ACCOUNTANT MEMBER:**

The Revenue and the assessee filed the above appeals against the order of the Commissioner of Income Tax (Appeals)-III, Chennai in

ITA No.1056/2013-14 dated 26.03.2014 for the assessment year 2007-08.

2. While hearing the appeal, the Ld.AR submitted that since the tax effect involved with the Revenue's appeal is below the limit prescribed by the Board Circular, the Revenue cannot pursue this appeal. The Ld.DR did not counter the AR's plea.

3. We find that the tax effect, in Revenue's appeal is less than Rs. 20 lakhs. The CBDT in its Circular No. 3/2018 dated 11.07.2018 instructed its officers to withdraw all the appeals pending before the ITAT where the tax effect is less than Rs. 20 lakhs. This Tribunal is of the considered opinion that this circular of CBDT is binding on the officers of the Department. Therefore, the Revenue cannot proceed further in its appeal. Accordingly, the appeal in ITA No.1569/Chny/2014 stands dismissed.

4. On assessee's appeal in ITA No.1705/Chny/2014, the Ld.AR submitted that the assessee is engaged in the business of catering especially to various airlines. While making the assessment for the assessment year 2007-08, the Assessing Officer disallowed Rs.62,40,458/- i.e., 20% of Rs.3,12,02,288/-, the expenditure claimed

under the head 'repairs and maintenance of building, machinery and others', as these expenses were not supported by vouchers. Aggrieved against that order, the assessee filed an appeal before the CIT(A). The CIT(A) called for a remand report. During the remand proceedings, the assessee was required to produce all vouchers and evidences for the claim. The assessee submitted that since the evidence relate to various years, requested some time to produce them. Since the assessee did not produce any evidences at all, the Ld.CIT(A) dismissed this ground. Aggrieved against that order, the assessee filed this appeal.

5. The Ld.AR submitted that since the assessee has collected all the particulars through which the impugned claim can be substantiated before the lower authorities, it is pleaded that these issues may be remitted back to the Assessing Officer for a fresh examination. The Ld.DR did not oppose such plea.

6. We heard the rival submissions. Since, the assessee pleads that the assessee has collected all the material by which it can substantiate its claim before the lower authorities, we deem it fit to remit this issue back to the Assessing Officer for a fresh examination. The assessee shall lay all the material in support of its contention

before the Assessing Officer and shall comply with the requirements of the Assessing Officer in accordance with law. The Assessing Officer is free to conduct appropriate enquiry as deemed fit. However, he shall furnish due opportunity to the assessee against the material, if any, to be used against it and then decide the issues in accordance with law.

7. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

8. To sum up, the appeal of the Revenue in ITA No.1569/Chny/2014 is dismissed and the appeal of the assessee in ITA No.1705/Mds/2014 is treated as allowed for statistical purposes.

Order pronounced in the court on the 30<sup>th</sup> July, 2019 at Chennai.

Sd/-

( जॉर्ज माथन )

(George Mathan)

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated 30<sup>th</sup> July, 2019

**RSR**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

- |                        |                         |                              |
|------------------------|-------------------------|------------------------------|
| 1. निर्धारिती/Assessee | 2. राजस्व/Revenue       | 3. आयकर आयुक्त (अपील)/CIT(A) |
| 4. आयकर आयुक्त/CIT     | 5. विभागीय प्रतिनिधि/DR | 6. गार्ड फाईल/GF             |

Sd/-

( एस जयरामन )

(S. Jayaraman)

लेखा सदस्य /Accountant Member