

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Chandra Poojari, AM & Shri George George K, JM

ITA No.244/Coch/2019 : Asst.Year 2014-2015

ITA No.245/Coch/2019 : Asst.Year 2015-2016

The Income Tax Officer Corp.Circle 1(1) Kochi.	Vs.	M/s.Fancy Constructions Private Limited 36/1685, Judges Avenue Kaloor, Kochi - 682 017 PAN : AABCF0263C.
(Appellant)		(Respondent)

Appellant by : Smt.A.S.Bindhu, Sr.DR

Respondent by : Sri.R.Vijayaraghavan

Date of Hearing : 14.08.2018	Date of Pronouncement : 14.08.2019
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ORDER

Per George George K, JM

These appeals at the instance of the Revenue are directed against the consolidate order of the Commissioner of Income-tax (Appeals) dated 02nd January, 2019. The relevant assessment years are 2014-2015 and 2015-2016.

2. It is observed that the tax effect in these appeals filed by the Revenue is less than Rs.50 lakh and therefore the Circular No. 17/2019 dated 8th August, 2019 issued by the Central Board of Direct Taxes (CBDT) in exercise of its power vested under Sec. 268A of the I.T. Act comes into play, wherein, the monetary limit for filing the appeal(s) by the Revenue before the ITAT and various High Courts as well as Apex Court are revised with an object of reducing the tax litigation. Vide para

2 of the said circular (supra), it is stated that in cases where the tax effect in the appeal to be filed before the Appellate Tribunal does not exceed Rs. 50 lakh, appeal should not be filed. Thus, taking a note of CBDT Circular No. 17/2019 dated 8th August, 2019 and considering the fact that the tax effect in the instant appeals is less than Rs.50 lakh, the present appeals deserve to be dismissed, as not maintainable. However, we make it clear that the issue(s) raised in the instant appeals is left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeals fall in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recalling the order, if so, advised.

3. Accordingly in the light of CBDT Circular No.17/2019 dated 08th August, 2019, the appeals stand dismissed.

4. In the result, the appeals filed by the Revenue are dismissed.

Order pronounced on this 14th day of August, 2019.

Sd/-
(Chandra Poojari)
ACCOUNTANT MEMBER

Sd/-
(George George K)
JUDICIAL MEMBER

Cochin ; Dated : 14th August, 2019.
Devdas*

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The Pr.CIT, Kochi.
4. The CIT(Appeals)-I, Kochi.
5. DR, ITAT, Cochin
6. Guard file.

BY ORDER,

(Asstt. Registrar)
ITAT, Cochin