

**IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, AHMEDABAD**

**BEFORE SHRI PRAMOD KUMAR, VICE PRESIDENT &
Ms. MADHUMITA ROY, JUDICIAL MEMBER**

I.T.A. No.978/Ahd/2014
(Assessment Year : 2006-07)

Income Tax Officer,
Ward -1(1),
Ahmedabad.

Vs. Accelaris Technologies Ltd.,
405, Maurya Atria,
Nr. Kasturi Tower,
Bodakdev,
Ahmedabad – 380 015

[PAN No. AADCA 1940 M]

(Appellant)

..

(Respondent)

Appellant by : Shri Vinod Tanwani, Sr.D.R.

Respondent by : Shri T. P. Hemani, A.R.

Date of Hearing 12/12/2018
Date of Pronouncement 31/01/2019

ORDER

PER Ms. MADHUMITA ROY - JM:

The instant appeal filed by the Revenue is against the order dated 05.02.2014 passed by the Commissioner of Income Tax (Appeals)-6, Ahmedabad under section 143(3) r.w.s 147 of the Income Tax Act, 1961 arising out of the order dated 12.10.2011 for the Assessment Year 2006-07.

2. At the time of the hearing, we observe that the tax effect in the appeal filed by the Revenue is less than Rs. 20 lacs. As per the Circular No. 3 of 2018 dated 11/07/2018 issued by CBDT recently all pending appeals filed by Revenue are liable to be dismissed/ withdrawn/ not pressed to reduce the

litigation where the tax effect does not exceed the prescribed monetary limit, i.e., Rs.20 Lacs. The relevant extract of the circular is reproduced below:

- “2. ***In supersession*** of the above Circular, it has been decided by the Board that departmental appeals may be filed on merits before Income Tax Appellate Tribunal and High Courts and SLPs/ appeals before Supreme Court keeping in view the monetary limits and conditions specified below.
3. Henceforth, appeals/ SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder:

| <i>S. No.</i> | <i>Appeals/ SLPs in Income-tax matters</i> | <i>Monetary Limit (Rs.)</i> |
|---------------|--|-----------------------------|
| <i>1.</i> | <i>Before Appellate Tribunal</i> | <i>20,00,000</i> |
| <i>2.</i> | <i>Before High Court</i> | <i>50,00,000</i> |
| <i>3.</i> | <i>Before Supreme Court</i> | <i>1,00,00,000</i> |

The monetary limit for filing the appeals by the Revenue before the Tribunal has been increased to Rs. 20 Lacs. It is also clarified in the said Circular that the said monetary limit is applicable retrospectively even to the appeals pending before the Tribunal. The CBDT has also instructed that such pending appeals below this specified tax limit of Rs.20 lacs may be withdrawn / not pressed.

In the case on hand, it was noticed that the tax effect on the disputed issue raised by the Revenue is claimed to be less Rs.20 Lacs. Therefore appeal of the Revenue is required to be dismissed *in limine* in terms of the above circular.

3. The Ld. DR for the Revenue fairly agreed on the applicability of the CBDT Circular No. 3 of 2018. Accordingly, the appeal of the Revenue is dismissed as not maintainable. However, the Revenue is on the liberty to

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move the miscellaneous application to recall the order if the tax effect exceeds the threshold limit or the case of the Revenue falls in any of the exception provided in the aforesaid CBDT Circular in any manner. The MA shall be filed within the prescribed time. Hence the appeal of the Revenue is dismissed.

4. In the result, the appeal filed by the department is dismissed.

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|---|-------------------|
| This Order pronounced in Open Court on | 31/01/2019 |
|---|-------------------|

Sd/-
(PRAMOD KUMAR)
VICE PRESIDENT

Ahmedabad; Dated 31/01/2019
Priti Yadav, Sr.PS

Sd/-
(Ms. MADHUMITA ROY)
JUDICIAL MEMBER

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-6, Ahmedabad.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER

सत्यापित प्रति //True Copy//

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad