

IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCHES “ C ” BENCH: BANGALORE

**BEFORE SHRI A. K. GARODIA, ACCOUNTANT MEMBER
AND
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

ITA. No.2380/Bang/2018
(Assessment Year: 2012-13)

Income Tax Officer (Exemptions), Ward 1, Hubli.	Vs.	M/s. Reddy Jana Sangha, Opp. Dental College, B.D. Road, Chitradurga. PAN AAATC 1125E
(Appellant)		(Respondent)

Appellant By:	Dr.P.V. Pradeep Kumar, Addl.CIT (D.R)
Respondent By:	Shri S. Ramasubramanian, C.A.

Date of Hearing :	10.07.2019
Date of Pronouncement :	28.08.2019

ORDER

PER SHRI PAVAN KUMAR GADALE, JM :

The Revenue has filed an appeal against the order of Commissioner of Income Tax (Appeals), Davangere passed u/s. 143(3) and 250 of the Income Tax Act, 1961.

2. We heard the rival submissions and perused the material on record and we found that the assessee has filed Return of Income for the Asst. Year 2012-13 on 20.12.2009 with NIL income. Subsequently, the Assessing Officer has taken up the case for scrutiny and assessed

the total income of Rs.71,77,610 and raised demand of Rs.24,69,760. On appeal, the learned CIT (Appeals) considering the written submissions, judicial decisions and fact that the assessee was granted Registration under Section 12A of the Act partly allowed the appeal. Aggrieved by the CIT (Appeals) order, the Revenue has filed appeal in the Tribunal. We find as per the CBDT Circular No.17/2019 Dt.8.8.2019, no appeal shall be filed by the Revenue before the Tribunal where the tax effect is below Rs.50 lakhs. In the present case, the Assessing Officer has raised a demand of Rs.24,69,760 which is not disputed and the learned CIT (Appeals) has granted relief. Further the Circular of the CBDT is also applicable to the pending cases. Accordingly, the tax demand raised by the Revenue authorities is below Rs.50 lakhs and circular is applicable to the pending appeals. Hence we dismiss the Revenue's appeal on maintainability and low tax effect.

3. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on 28th Aug., 2019.

Sd/-
(A.K. GARODIA)
ACCOUNTANT MEMBER

Sd/-
(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Dated: 28.08.2019.

*Reddy GP

Copy to

1. The appellant
2. The Respondent
3. CIT (A)
4. Pr. CIT
5. DR, ITAT, Bangalore.
6. Guard File

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore