

IN THE INCOME TAX APPELLATE TRIBUNAL

“A” BENCH : BANGALORE

BEFORE SHRI ARUN KUMAR GARODIA, ACCOUNTANT MEMBER AND
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER

ITA No. 2055/Bang/2017
Assessment Year : 2012-13

The Deputy Commissioner of Income Tax, Circle – 7 (1) (2), Bangalore.	Vs.	M/s. Veveo India Pvt. Ltd., Unit 801, 810, 8 th Floor, Tower B, Corporation Block, Diamond District, 150 Airport Road, Bangalore – 560 008. PAN: AABCV9504G
APPELLANT		RESPONDENT

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C.O. No. 100/Bang/2018
(in ITA No. 2055/Bang/2017)
Assessment Year : 2012-13

M/s. TiVo Tech Pvt. Ltd. (formerly known as Veveo (India) Pvt. Ltd., 10 th Floor, Primrose 7B, Embassy Tech Village, Outer Ring Road, Devarabisanahalli Vilage, Bangalore – 560 103. PAN: AABCV9504G	Vs.	The Deputy Commissioner of Income Tax, Circle – 7 (1) (2), Bangalore.
APPELLANT		RESPONDENT

Assessee by	:	Shri T. Suryanarayana, Advocate
Revenue by	:	Shri Ujjwal Kumar, JCIT (DR)

Date of hearing	:	14.08.2019
Date of Pronouncement	:	28.08.2019

ORDER

Per Shri A.K. Garodia, Accountant Member

This appeal is filed by the revenue and the C.O. is filed by the assessee and these are directed against the order of Id. CIT(A)-7, Bangalore dated 28.07.2017 for Assessment Year 2012-13.

2. Both sides were heard. We have considered the rival submissions. We find that in this case, as per the return of income filed by the assessee, income declared was Rs. 2,38,10,300/- and assessed income was Rs. 3,22,27,430/- after making addition of Rs. 84,17,130/-. This addition has been deleted by Id. CIT(A) and against the same, the appeal was filed by the revenue and the C.O. is filed by the assessee which is merely in support of the order of Id. CIT(A). As per the latest notification issued by CBDT, no appeal is required to be filed by the revenue before the Tribunal if the tax effect is below Rs. 50 Lakhs and since in the present case, the tax effect is below Rs. 50 Lakhs, the appeal of the revenue is not maintainable because of low tax. This is by now a settled position of law that CBDT instruction is applicable to the pending appeals also and hence, this appeal of the revenue is dismissed because of low tax effect. The C.O. filed by the assessee is in support of the order of Id. CIT(A) and since, the appeal of the revenue is dismissed as not maintainable, the C.O. is also not maintainable and dismissed accordingly.
3. In the result, the appeal filed by the revenue and the C.O. filed by the assessee are dismissed.

Order pronounced in the open court on the date mentioned on the caption page.

Sd/-
(PAVAN KUMAR GADALE)
Judicial Member

Sd/-
(ARUN KUMAR GARODIA)
Accountant Member

Bangalore,
Dated, the 28th August, 2019.
/MS/

Copy to:
1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT, Bangalore
6. Guard file

By order

Assistant Registrar,
Income Tax Appellate Tribunal,
Bangalore.