

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'C' अहमदाबाद ।

**IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH, AHMEDABAD**

**BEFORE SHRI MAHAVIR PRASAD, JUDICIAL MEMBER
& SHRI WASEEM AHMED, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. Nos. 2234/Ahd/2016 & 2742/Ahd/2017
(निर्धारण वर्ष / Assessment Years: 2013-14 & 2014-15)

DCIT Circle- 1(1), Ahmedabad	बनाम/ Vs.	Adani Properties Pvt. Ltd. 8 th Floor, Shikhar, Nr. Mithakali Circle Navrangpura Ahmedabad- 380009
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AAB CA3 182 H		
(अपीलार्थी/Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से/Appellant by :	Shri L. P. Jain, Sr. DR
प्रत्यर्थीकीओरसे / Respondent by:	Shri Biran Shah, AR

सुनवाईकीतारीख/Date of Hearing	23/08/2019
घोषणाकीतारीख /Date of Pronouncement	11/09/2019

आदेश/ORDER

PER MAHAVIR PRASAD- JM:

These two appeals filed by the Revenue for A.Ys. 2013-14 & 2014-15, arise from order of the CIT(A)-1, Ahmedabad dated 29.06.2016 & 21.09.2017, in proceedings under section 143(3) of the Income Tax Act, 1961; in short "the Act".

2. The ground of appeal raised by the Revenue reads as under:-

ITA No. 2234/Ahd/2016:-

"1. On the fact and in the circumstances of the case and in law, the CIT(A) ought to have upheld the order of the

Assessing Officer to the extent mentioned above since the assessee has failed to disclose his true income/book profit.

2. *The appellant prays that the order of CIT(A) on the above grounds be set aside and that of the Assessing Officer be restored to the above extent. The appellant craves, to leave, to amend or alter any ground or add a new ground which may be necessary.”*

ITA No. 2742/Ahd/2017:-

“1. *That the ld.CIT(A) has erred in law and on facts in restricting the disallowance u/s. 14A of the Act of Rs. 1,49,43,770/- to Rs. 57,86,485/-.*

2. *That the ld. CIT(A) has erred in holding that addition of Rs. 1,49,43,770/- is not to be made while computing the Book Profit u/s. 115JB of the Act.*

3. *The appellant craves, to leave, to amend and/or to alter any ground or add a new ground which may be necessary.”*

3. At the time of hearing, it was submitted by the Ld.AR for the assessee that appeal filed by the Revenue is hit by recently issued CBDT Circular No.17 of 2019 dated 08/08/2019 revising the previous thresholds pertaining to tax effects. As per aforesaid Circular, all pending appeals filed by Revenue are liable to be dismissed as a measure for reducing litigation where the tax effect does not exceed the prescribed monetary limit which is now revised at Rs.50 Lakhs. In the instant case, the tax effect on the disputed issues raised by the Revenue is stated to be not exceeding Rs.50 lakhs and therefore appeal of the Revenue is required to be dismissed *in limine*.

4. The Learned DR for the Revenue fairly admitted the applicability of the CBDT Circular No. 17 of 2019. Accordingly, appeal of the Revenue is dismissed as not maintainable. However, it will be open to the Revenue to seek restoration of its appeal on

showing inapplicability of the aforesaid CBDT Circular in any manner.

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

This Order pronounced in Open Court on 11/09/2019

Sd/-

**(WASEEM AHMED)
ACCOUNTANT MEMBER**

Ahmedabad: Dated 11/09/2019

TANMAY

TRUE COPY

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

Sd/-

**(MAHAVIR PRASAD)
JUDICIAL MEMBER**

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण, अहमदाबाद ।