

IN THE INCOME TAX APPELLATE TRIBUNAL

“B” BENCH : BANGALORE

BEFORE SHRI ARUN KUMAR GARODIA, ACCOUNTANT MEMBER AND
SMT. BEENA PILLAI, JUDICIAL MEMBER

ITA No. 873/Bang/2018
Assessment Year : 2013-14

The Assistant Commissioner of Income- tax, Central Circle – 2 (4), Bangalore.	Vs.	Shri Panati Purandhara Reddy, Flat No. 001, Comfort Enclave, 7 th Main, 17 th Cross, N.S. Palya, BTM Layout, 2 nd Stage, Bangalore – 560 076. PAN: ABOPR2146R
APPELLANT		RESPONDENT

&

C.O. No. 70/Bang/2018
(in ITA No. 873/Bang/2018)
Assessment Year : 2013-14
(By Assessee)

Assessee by	:	Shri V. Srinivasan, Advocate
Revenue by	:	Shri R.N. Siddappaji, Addl. CIT (DR)
Date of hearing	:	28.08.2019
Date of Pronouncement	:	13.09.2019

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)-11, Bangalore dated 12.12.2017 for Assessment Year 2013-14.

- At the very outset, it was submitted by Id. AR of assessee that the tax effect in the appeal is below Rs. 50 Lakhs and therefore, the appeal of the revenue is not maintainable because of low tax effect as per latest notification issued by CBDT. Regarding the C.O. of the assessee, it is submitted that C.O. is not pressed. In reply, the Id. DR of revenue had nothing to say.

3. We have considered the facts of the present case and we find that as per Form No. 36 filed by the revenue itself, it is seen that total income as per return of income filed by the assessee is 87,24,470/- and the assessed income as per the assessment order is Rs. 1,61,26,770/- which means that an addition of Rs. 74,02,300/- is made by the AO. Even if the entire addition is deleted by Id. CIT(A) and the revenue is in appeal against entire such deletion, then also the tax effect is bound to be less than Rs. 50 Lakhs and as per the latest CBDT instructions, the revenue is not supposed to file any appeal before the Tribunal in a case where the tax effect is below Rs. 50Lakhs. This is by now a settled position that CBDT instructions is applicable to existing appeals also. Hence the appeal of the revenue is dismissed because of low tax effect. The C.O. of the assessee is dismissed as not pressed.
4. In the result, the appeal of the revenue and the C.O. of the assessee are dismissed.

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

Sd/-
(BEENA PILLAI)
Judicial Member

Sd/-
(ARUN KUMAR GARODIA)
Accountant Member

Bangalore,
Dated, the 13th September, 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.