



**IN THE INCOME TAX APPELLATE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

**BEFORE SHRI. A. D. JAIN, VICE PRESIDENT
AND T. S. KAPOOR, ACCOUNTANT MEMBER**

SL. NO.	ITA NO./CO NO.	A.Y.	APPELLANT	RESPONDENT	ASSESSEE BY
1	ITA NO.457/ALLD/05	B.P. ENDED ON 23.08.98	DCIT, ALLAHABAD	PRADEEP KUMAR AGRAWAL,213-B/1A, ALOPIBAGH, ALLAHABAD	Shri Praveen Godbole, Advocate
2	ITA NO.124/ALLD/10	2000-01	ACIT CIRCLE-II, ALLAHABAD	M/S MADHU COLONISERS(P) LTD., 41/8,KATRA ROAD, ALLAHABAD	Shri Praveen Godbole, Advocate
3	ITA NO.105/ALLD/13	2005-06	DCIT, ALLAHABAD	M/S BHOLA FOOD PRODUCTS (P) LTD., SAHASON, ALLAHABAD - 221507 PAN: AACCB2409D	Shri Praveen Godbole, Advocate
4	CO NO.19/ALLD/13		M/S BHOLA FOOD PRODUCTS (P) LTD., SAHASON, ALLAHABAD - 221507	DCIT, ALLAHABAD	
5	ITA NO.180/ALLD/13	2009-10	DCIT, ALLAHABAD	M/S BHOLA FOOD PRODUCTS (P), LTD., SAHASON, ALLAHABAD, 221507 PAN: AACCB2409D	Shri Praveen Godbole, Advocate
6	CO NO.20/ALLD/13		M/S BHOLA FOOD PRODUCTS (P) LTD., SAHASON, ALLAHABAD - 221507	DCIT, ALLAHABAD	
7	ITA NO.181/ALLD/13	2010-11	DCIT, ALLAHABAD	M/S BHOLA FOOD PRODUCTS (P) LTD., SAHASON, ALLAHABAD - 221507 PAN: AACCB2409D	Shri Praveen Godbole, Advocate
8	CO NO.21/ALLD/13		M/S BHOLA FOOD PRODUCTS (P) LTD., SAHASON, ALLAHABAD - 221507	DCIT, ALLAHABAD	
9	ITA NO.178/ALLD/13	2008-09	JCIT,(OSD), ALLAHABAD	M/S BALAJI AGRICULTURAL INDUSTRIES (P) LTD., SAHSON, ALLAHABAD PAN: AAACB9238J	Shri Praveen Godbole, Advocate
10	CO NO.15/ALLD/13		M/S BALAJI AGRICULTURAL INDUSTRIES (P) LTD., SAHSON, ALLAHABAD	JCIT,(OSD), ALLAHABAD	
11	ITA NO.135/ALLD/13	2007-08	DCIT, ALLAHABAD	M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD PAN: AACCK2094H	Shri Praveen Godbole, Advocate
12	CO NO.17/ALLD/13		M/S KESARWANI MARKETING (P) LTD., SAHSON,ALLAHABAD	DCIT, ALLAHABAD	
13	ITA NO.136/ALLD/13	2008-09	DCIT, ALLAHABAD	M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD PAN: AACCK2094H	Shri Praveen Godbole, Advocate
14	CO NO.18/ALLD/13		M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD	DCIT, ALLAHABAD	
15	ITA NO.182/ALLD/13	2005-06	JCIT (OSD), ALLAHABAD	M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD	Shri Praveen Godbole, Advocate

				PAN: AACCK2094H	
16	CO NO.31/ALLD/13		M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD	JCIT (OSD), ALLAHABAD	
17	ITA NO.183/ALLD/13	2009-10	JCIT(OSD), ALLAHABAD	M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD PAN: AACCK2094H	Shri Praveen Godbole, Advocate
18	CO NO.32/ALLD/13		M/S KESARWANI MARKETING (P) LTD., SAHSON, ALLAHABAD	JCIT(OSD), ALLAHABAD	
19	ITA NO.28/ALLD/14	2010-11	ACIT, C.C., ALLAHABAD	RAJ KUMAR, SAHSON, ALLAHABAD - 211005 PAN: ADAPK7393R	Shri Praveen Godbole, Advocate
20	CO NO.9/ALLD/15		RAJ KUMAR, SAHSON, ALLAHABAD - 211005	ACIT, C.C., ALLAHABAD	
21	ITA NO.64/ALLD/14	2009-10	ITO, RANGE-III(4), MIRZAPUR	YOGESH KUMAR PANDEY, PROP. M/S PAWAN TRADERS, VINDHYAPURI COLONY, MIRZAPUR - 231001 PAN: ALSPP7677B	Shri Praveen Godbole, Advocate
22	ITA NO.11/ALLD/11	2003-04	ACIT, CIRCLE-II, ALLAHABAD	ALLAHABAD HIGH SCHOOL SOCIETY, 4, P.D.TANDON ROAD, ALLAHABAD PAN: AABTA2869A	Shri Ashish Bansal, Advocate
23	ITA NO.12/ALLD/11	2004-05			
24	ITA NO.13/ALLD/11	2005-06			
25	ITA NO.316/ALLD/14	2004-05	ACIT, ALLAHABAD	LALJI KESARWANI, 119-A/4, BAI KA BAGH, ALLAHABAD - 211003 PAN: AAAHL9728A	Shri Ashish Bansal, Advocate
26	ITA NO.317/ALLD/14	2003-04			
27	ITA NO.381/ALLD/15	2011-12	DCIT, ALLAHABAD	M/S BABA BUILDERS, 218-D, JAYANTIPUR, SULEMSARAI, ALLAHABAD PAN: AAEFB6440R	Shri Praveen Godbole, Advocate
28	CO NO.35/ALLD/15		M/S BABA BUILDERS, 218-D, JAYANTIPUR, SULEMSARAI, ALLAHABAD	DCIT, ALLAHABAD	
29	ITA NO.457/ALLD/15	2010-11	ACIT, CENTRAL CIR., ALLAHABAD	POONAM VAISH, HALDWANI PAN: ADRPV9866D	Shri Praveen Godbole, Advocate
30	ITA NO.27/ALLD/16	2011-12	ACIT, ALLAHABAD	SMT. RADHA DEVI, HALDWANI PAN: AHRPD7238P	Shri Praveen Godbole, Advocate
31	CO NO.15/ALLD/16		SMT. RADHA DEVI, HALDWANI	ACIT, ALLAHABAD	
32	ITA NO.28/ALLD/16	2010-11	ACIT, ALLAHABAD	SMT. RADHA DEVI, HALDWANI PAN: AHRPD7238P	Shri Praveen Godbole, Advocate
33	CO NO.16/ALLD/16		SMT. RADHA DEVI, HALDWANI	ACIT, ALLAHABAD	
34	ITA NO.39/ALLD/16	2005-06	ACIT, C.C., ALLAHABAD	SURESH CHANDRA, 86, NEW BAIRAHANA, ALAHABAD - 211003 PAN: AAOPC3311J	Shri Praveen Godbole, Advocate
35	CO NO.7/ALLD/16		SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003	ACIT, C.C., ALLAHABAD	
36	ITA NO.40/ALLD/16	2006-07	ACIT, ALLAHABAD	SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: AAOPC3311J	Shri Praveen Godbole, Advocate

37	CO NO.8/ALLD/16		SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003	ACIT, ALLAHABAD	
38	ITA NO.41/ALLD/16	2007-08	ACIT, ALLAHABAD	SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: AAOPC3311J	Shri Praveen Godbole, Advocate
39	CO NO.9/ALLD/16		SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003	ACIT, ALLAHABAD	
40	ITA NO.42/ALLD/16	2010-11	ACIT, C.C., ALLAHABAD	SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: AAOPC3311J	Shri Praveen Godbole, Advocate
41	CO NO.10/ALLD/16		SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003	ACIT, C.C., ALLAHABAD	
42	ITA NO.43/ALLD/16	2011-12	ACIT, C.C., ALLAHABAD	SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: AAOPC3311J	Shri Praveen Godbole, Advocate
43	CO NO.11/ALLD/16		SURESH CHANDRA, 86, NEW BAIRAHANA, ALLAHABAD - 211003	ACIT, C.C., ALLAHABAD	
44	ITA NO.47/ALLD/16	2006-07	ACIT, CENTRAL CIRCLE, ALLAHABAD	CHANDRESH KUMAR GOEL, 24/8 GAURAV NAGAR, CHOPAN, SONEBHADRA - 231205 PAN: AJHPG0954H	Shri Praveen Godbole, Advocate
45	CO NO.13/ALLD/17		CHANDRESH KUMAR GOEL, 24/8 GAURAV NAGAR, CHOPAN, SONEBHADRA - 231205	ACIT, CENTRAL CIRCLE, ALLAHABAD	
46	ITA NO.95/ALLD/16	2011-12	DCIT, CENTRAL CIRCLE, ALLAHABAD	M/S RAMJI & BROTHERS, 282, NEW BAIRAHANA PAN: AAHFR7639D	Shri Praveen Godbole, Advocate
47	ITA NO.168/ALLD/16	2011-12	ACIT, MIRZAPUR	SATYA NARAYAN SINGH, E- 5/21, SECTOR-A, DALLA CEMENT FACTORY, DALLA, SONEBHADRA PAN: ALLPS3488G	Shri Praveen Godbole, Advocate
48	CO NO.33/ALLD/16		SATYA NARAYAN SINGH, E-5/21, SECTOR-A, DALLA CEMENT FACTORY, DALLA, SONEBHADRA PAN: ALLPS3488G	ACIT, MIRZAPUR	
49	ITA NO.203/ALLD/16	2011-12	ACIT, CENTRAL CIRCLE, ALLAHABAD	M/S SIDHI VINAYAK STONE WORKS, MARKUNDI, SONEBHADRA PAN: ABWFS1302G	Shri Praveen Godbole, Advocate
50	ITA NO.217/ALLD/16	2007-08	DCIT, MIRZAPUR	M/S ZILA SAHKARI BANK LTD., COLLECTRATE COMPOUND, MIRZAPUR - 231001 PAN: AAAAZ0342H	Shri Ashish Bansal, Advocate
51	ITA NO.218/ALLD/16	2012-13			
52	ITA NO.224/ALLD/16	2011-12	DCIT, CIRCLE, SULTANPUR	M/S. SULTANPUR BUILDERS & SUPPLIERS (P) LTD., 732/A, SHREE RAM NAGAR, SULTANPUR - 228001 PAN: AAEAS9989B	None
53	ITA NO.102/ALLD/17	2005-06	ACIT, ALLAHABAD	SMT BINDO DEVI, 5A- 10/6, MUIR ROAD, ALLAHABAD PAN: ACQPD8391K	Shri Praveen Godbole, Advocate

54	ITA NO.131/ALLD/17	2008-09	ACIT, CENTRAL CIRCLE, ALLAHABAD	M/S. SUBHASH STONE INDUSTRIES LIMITED, AMBIKA VIHAR HALDWANI, NAINITAL ROAD, NAINITAL - 263139 PAN: AABCR0021Q	Shri Praveen Godbole, Advocate
55	ITA NO.133/ALLD/17	2008-09	ACIT, CENTRAL CIRCLE, ALLAHABAD	SHASI VAISH, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: ADKPV3246N	Shri Praveen Godbole, Advocate
56	CO NO.24/ALLD/17		SHASI VAISH, 86, NEW BAIRAHANA, ALLAHABAD - 211003 PAN: ADKPV3246N	ACIT, CENTRAL CIRCLE, ALLAHABAD	
57	ITA NO.185/ALLD/17	2014-15	ITO, WARD-II(3), ALLAHABAD	M/S. SISODIYA JEWELLERS PVT. LTD., 36-B, M.G. MARG, CIVIL LINES, ALLAHABAD - 211001 PAN: AAFCM4352B	Shri Sanjay Jaiswal for Shri Shishir Bajpai, C.A.
58	ITA NO.46/ALLD/18	2008-09	ACIT, ALLAHABAD	HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD -211008 PAN: AEXPS6325M	Shri Praveen Godbole, Advocate
59	CO NO.15/ALLD/18		HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD - 211008	ACIT, ALLAHABAD	
60	ITA NO.51/ALLD/18	2013-14	ACIT, ALLAHABAD	HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD -211008 PAN: AEXPS6325M	Shri Praveen Godbole, Advocate
61	CO NO.20/ALLD/18		HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD - 211008	ACIT, ALLAHABAD	
62	ITA NO.52/ALLD/18	2014-15	ACIT, ALLAHABAD	HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD -211008 PAN: AEXPS6325M	Shri Praveen Godbole, Advocate
63	CO NO.21/ALLD/18		HEMANT KUMAR SINDHI, 17, INDUSTRIAL ESTATE, NAINI, ALLAHABAD - 211008 PAN: AEXPS6325M	ACIT, ALLAHABAD	
64	ITA NO.163/ALLD/18	2014-15	INCOME TAX OFFICER-5(5), BANDA	SADHNA MISHRA, 625A/1, GANDHI NAGAR, SUBHASH NAGAR, MAHOBA - 210427 PAN: CDEPM9286P	Shri Praveen Godbole, Advocate
65	ITA NO.248/ALLD/18	2013-14	ACIT, CENTRAL CIRCLE, ALLAHABAD	M/S. H.K. INFRAVENTURES PVT. LTD., 7, INDUSTRIAL COLONY, NAINI, ALLAHABAD - 211008 PAN: AACCH6249K	Shri Praveen Godbole, Advocate
66	CO NO.22/ALLD/18		M/S. H.K. INFRAVENTURES PVT. LTD., 7, INDUSTRIAL COLONY, NAINI, ALLAHABAD - 211008 PAN: AACCH6249K	ACIT, CENTRAL CIRCLE, ALLAHABAD	
67	ITA NO.26/ALLD/19	2010-11	ITO, ALLAHABAD	M/S J.P. ASSOCIATES, NAI BAZAR, MAU AIMA, ALLAHABAD - 212507 PAN: AADFJ8978M	Shri Praveen Godbole, Advocate
68	ITA NO.89/ALLD/19	2007-08	ACIT, CENTRAL CIRCLE, ALLAHABAD	VIJAY VAISH, 86, NEW BAIRAHANA, ALLAHABAD - 211005 PAN: ABSPV1338F	Shri Praveen Godbole, Advocate

69	ITA NO.94/ALLD/19	2016-17	D.C.I.T., CIRCLE-II, ALLAHABAD	PRIYANK TAYAL,6, PRAYAG STREET, ALLAHABAD - 211008 PAN: ABWPT8813H	Shri Shekhar Advocate Shashank Shukla,
70	ITA NO.95/ALLD/19	2016-17	D.C.I.T., CIRCLE-II, ALLAHABAD	AMITABH TAYAL, 6, PRATAP STREET, ALLAHABAD - 211001 PAN: ABCPT1115A	Shri Shekhar Advocate Shashank Shukla,
71	ITA NO.97/ALLD/19	2015-16	D.C.I.T., CIRCLE-I, ALLAHABAD	DEVENDRA SINGH, ALLAHABAD PAN: AIKPS9382D	Shri Praveen Advocate Godbole,
72	ITA NO.98/ALLD/19	2015-16	IT OFFICER, WARD-1(4), BHADOHI	IFTEKHAR MAHMOOD ANSARI, PIRKHANPUR, QUAZIPUR ROAD, BHADOHI - 221401 PAN: AFNPA6777J	Shri Praveen Advocate Godbole,
73	ITA NO.103/ALLD/19	2010-11	ACIT, CENTRAL CIRCLE, ALLAHABAD	M/S SUBHASH STONE PRODUCTS PVT. LTD., BARI DALLA, SONEBHADRA - 263139 PAN: AAICS3246F	Shri Praveen Advocate Godbole,

Department by:	Shri Shantanu Dhameeja, CIT (DR) and Shri A. K. Singh, D.R.		
Date of hearing:	30	08	2019
Date of pronouncement:	30	08	2019

ORDER

PER BENCH:

These appeals filed by the Revenue are directed against the orders by the Commissioner of Income Tax (Appeals)/s, relating to different assesseees for different assessment years, and in some cases the assesseees have also filed Cross Objections (COs).

2. Section 268A of the Act provides that an appellate authority, including the Appellate Tribunal, shall have regard to the instructions, directions, orders, etc. issued by the CBDT ('Board') from time to time fixing monetary limits for the purpose of regulating the filing of appeals by the Revenue before the different appellate authorities, and which shall, while deciding those appeals, have regard to the said limits.

3. Since the 'tax effect', as computed in terms of Circular 3 of 2018, dated 11/7/2018 issued by the Board u/s. 119 r/w s. 268A of the Act, involved in these appeals filed by the Department does not exceed Rs.50 lakhs in each of these appeals, they are not maintainable in view of CBDT's Circular

No.17/2019, dated 8th August, 2019, and are liable to be dismissed as such. Since all these appeals are to be disposed on the basis of the monetary limit, as now revised, we have decided to dispose of them by passing a composite order.

4. The parties were heard.

5. Recently, the Ahmedabad Bench of this Tribunal has passed a composite order, dismissing, similarly, 628 appeals by the Revenue and related COs by the assesseees. The order is instructive, and is accordingly reproduced as under:

“These 628 appeals and COs pertain to the appeals are filed by various Assessing Officers, all these appeals call into question correctness of the relief granted to the taxpayers by the Commissioners of Income Tax (Appeals) and, most importantly, the tax effect involved in all these appeals does not exceed Rs.50,00,000 in each of these appeals. The cross objections taken up for hearing are only such cross objections as emanate from these appeals and are broadly in support of the orders passed by the Commissioner (Appeals). In these cases, in the light of the discussions with the Principal Chief Commissioner of Income Tax (Gujarat) and representatives of the Ahmedabad ITAT Bar Association, individual notices are dispensed with; notices of hearing are given only through the notice board.

2. It is in this backdrop that we are pleased to take note of a very pragmatic and taxpayer friendly policy decision by the Government of India for reducing the income tax litigation. Vide CBDT circular dated 8th August, 2019, the income tax department has further liberalized its policy for not filing appeals against the decisions of the appellate authorities in favour of the taxpayers, wherein tax involved is below certain threshold limits, and announced its policy decision not to file, or press, the appeals, before this Tribunal, against the appellate orders favourable to the assessee in the cases in which overall tax effect, excluding interest- except when interest itself is in dispute, is Rs 50,00,000 or less. What it means, in plain words, is that when a Commissioner (Appeals) gives the taxpayer

tax relief of upto Rs 50 lakhs in an appeal in an assessment year, the matter ends there and the relief so granted by the Commissioner (Appeals) cannot be challenged before this Tribunal, that when this Tribunal gives the taxpayer relief of upto Rs 1 crore in an appeal in an assessment year, the matter ends there and the relief so granted by the Tribunal cannot be challenged before the Hon'ble High Court, and that when Hon'ble High Court gives relief of upto Rs 2 crore to the taxpayer in an appeal in an assessment year, that relief cannot be challenged before Hon'ble Supreme Court. These monetary threshold limits for filing of appeals by the income tax authorities do not take into account interest and other corollaries of the tax demands being confirmed such as penalties, except when a penalty itself is subject matter of litigation, and prosecutions. The enhancement of these monetary limits is at an unprecedented scale. The monetary limit for appeals before this Tribunal, which was Rs 3,00,000 till 10th July 2014, has been in effect enhanced to almost 1,700% in the last five years. This substantial relaxation is certainly a huge step which signifies trust reposed by the Government of India in the decisions of the appellate forums, and substantially cuts down time taken in the finality of the appellate process. It is indeed heartening to note that in one stroke, the Government has not only prevented, but has, in effect, set the stage for withdrawal of thousands of appeals before this Tribunal and before Hon'ble Courts above. In an environment in which retrospectivity was attached only to the taxation and not to tax reliefs or concessions, such an approach is a pleasant departure from legacy practices.

3. In view of the above factual background and the generous concession by this benevolent CBDT circular, all these appeals must be dismissed as withdrawn and the related cross objections must be dismissed as infructuous. There is, however, a small issue that we must deal with.

4. Smt Aparna Agarwal, learned Departmental Representative, however, has a point to make. She points out that the circular dated 8th August 2019 is not clearly retrospective inasmuch as it specifically states in para 4 that "(t)he said modifications shall come into effect from the date of issue of this Circular". It is thus pointed out that this sentence gives an impression that is only after

the date of the said circular that the departmental appeals will not be filed in the cases within the specified tax effect limits. We are urged to bear in mind the impact of this observation while giving effect to the circular dated 8th August, 2019. She, however, hastens to add that she is yet to have any specific instructions on the issue and she leaves it for the bench to take the appropriate call. Learned representatives appearing for the taxpayers vehemently oppose the suggestion implicit in her submissions. All of them are unanimous in their argument that the circular must be held to have retrospective application and must equally apply to the pending appeals as well. Shri J P Shah, Senior Advocate, points out that the circular dated 8th August 2019 is not a standalone circular and it is required to be read with the old circular no. 3 of 2018 which is what it seeks to modify. This circular, according to the learned counsel, only enhances the monetary limits and gives further relaxation. He urges us not to read the circular in a manner so as to nullify the underlying approach and object of reducing litigation. Shri Soparkar, learned Senior Advocate, submits that all that the present circular does is to modify the monetary limits and nothing more, and, therefore, it cannot be treated to follow any other approach other than the approach followed in the old circular. The old circular, beyond any dispute or controversy, categorically applied to the pending appeals as on the date of issuance of circular. Shri Tushar Hemani, learned Senior Advocate, points out that the circular dated 8th August 2019 only gives further relief not only in terms of the monetary limits but also in terms of the manner in which the application of circular to orders dealing with more than one year is to be made. Shri S N Divetia, learned counsel for the assessee, submits that unlike in the cases of earlier CBDT circulars, which used to be in supersession of earlier circulars on the issues, the circular dated 8th August 2019 only modifies the earlier circular which, inter alia, provided for its retrospective application. Our attention is invited to some judicial precedents in support of the contention that the benevolent circular, such as the one in question, is to be given effect in respect of the pending appeals as well. Ms Urvashi Shodhan, learned counsel for the assessee, points out that its plainly contrary to the scheme of the litigation policy of the

Government of India to give this circular only prospective effect. Shri S K Sadhwani, learned counsel for the assessee, invites our attention to the letter dated 16th July 2018 issued by Member CBDT to the all the Principal Chief Commissioners of Income Tax, in the context of circular dated 11th July 2018 that the present circular seeks to modify, seeking report on withdrawal of the appeals covered by the circular. He then points out that it is the old circular is still alive today and the only change is with respect to the monetary limits. In all fairness, therefore, the same approach regarding withdrawal of pending appeals must be followed for this circular as well. On the same lines, arguments are advanced by the learned representatives which, for the sake of brevity and to avoid repetition, we are not referring to in more specific details. In brief rejoinder, learned Departmental Representative graciously leaves the matter to us.

5. Having considered the rival submissions and having perused the material on record, we do not have slightest of hesitation in holding that the concession extended by the CBDT not only applies to the appeals to be filed in future but it is also equally applicable to the appeals pending for disposal as on now. Our line of reasoning is this. The circular dated 8th August 2019 is not a standalone circular. It is to be read in conjunction with the CBDT circular no 3 of 2018 (and subsequent amendment thereto), and all it does is to replace paragraph nos. 3 and 5 of the said circular. This is evident from the following extracts from the circular dated 8th August 2019:

2. As a step towards further management of litigation. it has been decided by the Board that monetary limits for filing of appeals in income-tax cases be enhanced further through amendment in Para 3 of the Circular mentioned above and accordingly. the table for monetary limits specified in Para 3 of the Circular shall read as follows:

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

3. Further, with a view to provide parity in filing of appeals in scenarios where separate order is passed by higher appellate authorities for each assessment year vis-a-vis where composite order for more than one assessment years is passed. para 5 of the circular is substituted by the following para:

“5. The Assessing Officer shall calculate the tax effect separately for every assessment year in respect of the disputed issues in the case of every assessee. If in the case of an assessee, the disputed issues arise in more than one assessment year, appeal can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issues exceeds the monetary limit specified in para 3. No appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. Further, even in the case of composite order of any High Court or appellate authority which involves more than one assessment year and common issues in more than one assessment year no appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. In case where a composite order/ judgement involves more than one assessee, each assessee shall be dealt with separately”

4. The said modifications shall come into effect from the date of issue of this Circular.

6. Clearly, all other portions of the circular no. 3 of 2018 (supra) have remained intact. The portion which has remained intact includes paragraph 13 of the aforesaid circular which is as follows:

13. This Circular will apply to SLPs/ appeals/ cross objections/ references to be filed henceforth in SC/HCs/Tribunal and it shall also apply retrospectively to pending SLPs/ appeals/ cross objections/references. Pending appeals below the specified tax limits in para 3 above may be withdrawn/ not pressed.

7. In view of the above discussions, we hereby hold that the relaxation in monetary limits for departmental appeals, vide CBDT

circular dated 8th August 2019 (supra) shall be applicable to the pending appeals in addition to the appeals to be filed henceforth.

8. Learned Commissioner (DR) then submits liberty may kindly be given to point out, upon necessary further verifications, and to seek recall the dismissal of appeals and restoration of the appeals in the cases (i) in which it can be demonstrated that the appeals are covered by the exceptions, and (ii) which are inadvertently included in this bunch of appeals, wherein the tax effect, in terms of the CBDT circular (supra), exceeds Rs 50,00,000. None opposes this prayer; we accept the same. We make it clear that the appellants shall be at liberty to point out the cases which are wrongly included in the appeals so summarily dismissed, either owing to wrong computation of tax effect or owing to such cases being covered by the permissible exceptions- or for any other reason, and we will take appropriate remedial steps in this regard.

9. In the light of the above discussions, all the appeals stand dismissed as withdrawn. As the appeals filed by the Revenue are found to be non-maintainable and as all the related cross-objections of the assessee arise only as a result of those appeals and merely support the order of the CIT(A), the cross objections filed by the assessee are also dismissed as infructuous. Ordered, accordingly.”

6. In view of the foregoing, the Revenue’s appeals and the assesseees’ COs are being dismissed *in limine* as withdrawn/not pressed.

7. It may be clarified that though every care has been taken by the Registry of the Tribunal in identifying the listed appeals, it may yet be that some error in working the tax effect may have occurred. It may also be that an appeal/s is otherwise saved by the exceptions listed at para 10 (scope of which stands widened vide amendment dated 20/8/2018) or para 11 of the Circular. Similarly, it may be that a CO/s bears an independent ground/s, raised for adjudication. Accordingly, liberty is hereby granted to the parties to, where so, move the Tribunal in this regard, in which case it shall, where satisfied on merits, recall an appeal/s or, as the case may be, a CO/s, for being heard on merits. Further, the recall of an appeal would be accompanied

by the recall of the assessee's corresponding CO, if any, dismissed along with. Needless to add, the Tribunal shall, while doing so, which shall be per a speaking order, grant an opportunity of hearing to the other side.

8. In the result, all the appeals of the Revenue and Cross Objections by the assessee stand dismissed.

Order pronounced in the open Court on 30/08/2019.

Sd/-
[T. S. KAPOOR]
ACCOUNTANT MEMBER

Sd/-
[A. D. JAIN]
VICE PRESIDENT

DATED:30/08/2019

JJ:3008

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR

By order

Assistant Registrar