

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "E": DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI O.P. KANT, ACCOUNTANT MEMBER

ITA.Nos.2609, 2611 & 2612/Del./2016
Assessment Years 2004-2005, 2006-2007 & 2007-2008

The ACIT, Central Circle-14, Room No.354, E-2, ARA Centre, Jhandewalan Ext. New Delhi – 110 055.	vs.,	M/s. Pegasus Softech Pvt. Ltd., Flat No.4, R.R. Apartment, 304 Manglapuri, Mehrauli, New Delhi – 110 030. PAN AADCP2077N
(Appellant)		(Respondent)

C.O.Nos.206 & 207/Del./2016
Arising out of
ITA.Nos.2611 & 2612/Del./2016
Assessment Years 2006-2007 & 2007-2008

M/s. Pegasus Softech Pvt. Ltd., Flat No.4, R.R. Apartment, 304 Manglapuri, Mehrauli, New Delhi – 110 030. PAN AADCP2077N	vs.,	The ACIT, Central Circle-14, Room No.354, E-2, ARA Centre, Jhandewalan Ext. New Delhi – 110 055.
(Cross Objector)		(Respondent)

For Revenue :	Shri Atiq Ahmad, Sr. D.R.
For Assessee :	Shri Lalit Mohan, C.A.

Date of Hearing :	18.09.2019
Date of Pronouncement :	18.09.2019

ORDER

PER BHAVNESH SAINI, J.M.

This Order shall dispose-off all the above matters.

2. We have heard the Learned Representative of both the parties and perused the material available on record.

3. Admittedly, the tax effect in the Departmental Appeals are less than Rs.50 lakhs. Vide Circular No.3/2018 Dated 11thJuly, 2018 issued by CBDT under section 268A of the I.T. Act, it has been directed that the Department shall not file appeal before the Tribunal in case where the tax effect does not exceed the monetary limit of Rs.20 lakhs. It is also directed that this instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in the Tribunal. Pending appeals below the specified tax limit may be withdrawn/not pressed by the Department. The CBDT Vide Circular No.17/2019 Dated 08.08.2019 amended the earlier Circular No.3/2018 (supra) whereby it has been directed that monetary limit for filing

the Departmental appeal in Income Tax Cases may be enhanced further through this amendment in para-3 of the Circular mentioned above and accordingly, the monetary limit for filing the appeal before the Appellate Tribunal have been enhanced to Rs.50 lakhs. Since Circular No.17/2019 Dated 08.08.2019 have been issued to amend its earlier Circular No.3/2018 (supra), therefore, all the conditions of earlier Circular No.3/2018 shall apply accordingly.

4. The Ld. D.R. in view of the above Board's Circulars did not press the Departmental Appeals. The cases of the Department would not fall in the exceptions provided in the above Board Circulars. In the result, the Departmental appeals are not maintainable as the appeals are filed against the Board instructions referred to above and therefore, the appeals of the Department are liable to be dismissed.

5. Learned Counsel for the Assessee appearing in the above Cross Objections seeks permission to withdraw the cross objections as they are filed merely in support of

the Order of the Ld. CIT(A). In view of these circumstances, the cross objections are dismissed as not pressed as well as not maintainable in the present form.

5. In the result, all the appeals of the Department are dismissed and cross objections of the assessee are also dismissed.

Order pronounced in the open Court.

Sd/-
 (O.P. KANT)
 ACCOUNTANT MEMBER

Sd/-
 (BHAVNESH SAINI)
 JUDICIAL MEMBER

Delhi, Dated 18th September, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT "E" Bench
6.	Guard File

// BY Order //

Asst. Registrar : ITAT Delhi Benches : Delhi.