

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ - अहमदाबाद ।

IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD - BENCH 'D'

**BEFORE SHRI RAJPAL YADAV, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

ITA No.649/AHD/2017

निर्धारण वर्ष/ Asstt.Year: 2010-11

DCIT, Cir.(1)(1)(1) Ahmedabad.	Vs.	B. Zaveri Jewels P.Ld. C/o. Arunbhai Soni, 1 Shikshapatri Bungalows Science City Road, Sola Ahmedabad 380 060 PAN: AADCB 3832 B
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(Applicant)	(Responent)
Revenue by :	Shri Vinod Tanwani, AR
Assessee by :	None

सुनवाई की तारीख/Date of Hearing : 30/08/2019

घोषणा की तारीख /Date of Pronouncement: 23/09/2019

आदेश/O R D E R

PER RAJPAL YADAV, JUDICIAL MEMBER:

Revenue is in appeal before the Tribunal against the order of the ld.CIT(A), Gandhinagar dated 20.12.2016 passed for the assessment year 2010-11.

2. The Revenue has raised the following grounds of appeal:

“(a) That the ld.CIT(A) erred in law and on facts in deleting the addition of Rs.19,60,494/- made on account of disallowance of expenses being 25% of the total expenses.

(b) That the ld.CIT(A) erred in law and on facts in deleting the addition of Rs.1,00,00,000/- made u/s 68 of the Act on account of unexplained cash credit in the case of M/sA.A. Jewels.”

3. The After going through the grounds, we noticed that total addition disputed before the Tribunal is Rs.1,19,60,494/- (Rs.19,60,494/- plus Rs.1,00,00,000/-). Therefore, total tax involved would not be more than Rs.50 lakhs. Therefore, we enquired with the Id.DR whether tax effect on the aggregate of disputed sum exceeds Rs.50 lakhs or not, and whether CBDT Instruction no.17 of 2019 dated 8.8.2019 applicable to the present case or not, to which, the Id.DR did not dispute the same, but left to the Tribunal to dispose of the appeal in accordance with law.

4. On due consideration of the record and on perusal of CBDT Instruction NO.17 of 2091 dated .8.2019 we are of the view that the present appeal of the Revenue falls within the purview of the CBDT Instruction cited (supra). It is not disputed by the Revenue that tax effect on the disputed addition is more than Rs.50 lakhs, and therefore, keeping in view the above CBDT circular and provisions of section 268A of the Income Tax Act, we are of the view that the present appeal of the Revenue deserves to be dismissed. It is dismissed.

However, it is observed that in case on verification at the end of the AO it can be demonstrated that the tax effect is more, or Revenue's case falls within the ambit of exceptions provided in the Circular, then the Department will be at liberty to approach the Tribunal for recall of this order. Such application should be filed within the time period prescribed in the Act. In view of the above, the appeal of the Revenue is dismissed due to low tax effect.

5. In the result, appeal of the Revenue is dismissed due to low tax effect.

Order pronounced in the Court on 23rd September, 2019 at Ahmedabad.

**Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER**

**Sd/-
(RAJPAL YADAV)
JUDICIAL MEMBER**

Ahmedabad; Dated 23/09/2019