

IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN
BEFORE S/SHRI CHANDRA POOJARI, AM & GEORGE GEORGE K., JM

I.T.A. No.323/Coch/2017 & C.O. No.30/Coch/2017
Assessment Year : 2007-08

The Income-tax Officer, Ward-1, Aluva.	Vs.	Smt. Archana Vasudevan, Poothery House, Kodikuthumala, Ashokapuram, Aluva Represented by Father and Power of Attorney Holder of the assessee Shri P. Vasudevan. [PAN:ALTPP 3541R]
(Revenue-Appellant)		(Assessee-Respondent)

Revenue by	Smt. A.S. Bindhu, Sr. DR
Assessee by	Shri T.M. Sreedharan, Sr. Adv.

Date of hearing	24/09/2019
Date of pronouncement	24/09/2019

ORDER

Per CHANDRA POOJARI, AM:

This appeal filed at the instance of the Revenue and the Cross Objection filed by the assessee are directed against the order of the CIT(A)-II, Kochi dated 20/03/2017. The relevant assessment year is 2007-08.

2. The Ld. AR has submitted that the tax effect in this case is below the limit prescribed in CBDT circular dated 08/08/2019 for filing an appeal before the ITAT.

3. It is observed that as per the latest circular of CBDT, the Assessing Officer is required to file an appeal before ITAT only if the tax effect is more than 50 lakhs. It is observed that the tax effect in this appeal is less than Rs. 50 lakhs. Pursuant to amendment dated 20/08/2018 to Circular No. 3 of 2018 dated 11/07/2018 of, the Circular No. 17/2019F.No.279/Mis.142/2007-ITJ(pt.) dated 08/08/2019 issued by the Central Board of Direct Taxes (CBDT) in exercise of its power vested u/s. 268 of the Income Tax Act, 1961 comes into play, wherein, the monetary limit for filing income tax appeals by the Department before the Income Tax Appellate Tribunal, High Courts and SLPs/appeals before Supreme Court have been specified. 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 shall read as follows:

Sl. 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

3.1 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-à-vis where composite order for more than one assessment years is passed para 5 of the circular is substituted by the following para:

“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 the 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 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/judgment involves more than one assessee, each assessee shall be dealt with separately.”

3.2 Thus, taking a note of CBDT Circular No. 17/2019 dated 08/08/2019 and considering the fact that the tax effect in the instant appeal is less than Rs. 50 lakhs, the present appeal deserves to be dismissed as not maintainable. However, we make it clear that the issue(s) raised in the instant appeal is left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeal falls in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recalling the order, if so, advised.

3.3 Accordingly in the light of CBDT Circular No. 17/2019 dated 08/08/2019, the appeal filed by the Revenue stands dismissed. Since we have dismissed the appeal of the Revenue, the Cross Objection filed by the assessee in C.O. No. 30/Coch/2017 which is essentially supporting the order of the CIT(A) is dismissed as infructuous. It is ordered accordingly.

4. In the result, the appeal filed by the Revenue and the Cross Objection filed by the assessee are dismissed.

Order pronounced in the open Court on this 24th September, 2019

sd/-
(GEORGE GEORGE K.)
JUDICIAL MEMBER

sd/-
(CHANDRA POOJARI)
ACCOUNTANT MEMBER

Place: Kochi

Dated: 24th September, 2019

GJ

Copy to:

1. Smt. Archana Vasudevan, Poothery House, Kodikuthumala, Ashokapuram, Aluva, Represented by Father and Power of Attorney Holder of the assessee Shri P. Vasudevan.
2. The Income-tax Officer, Ward-1, Aluva.
3. The Commissioner of Income-tax(Appeals)-II, Kochi.
4. The Pr. Commissioner of Income-tax, Kochi.
5. D.R., I.T.A.T., Cochin Bench, Cochin.
6. Guard File.

By Order

(ASSISTANT REGISTRAR)
I.T.A.T., Cochin