

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'E': NEW DELHI)**

**BEFORE SHRI SUSHMA CHOWLA, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 4797/Del/2015
(Assessment Year: 2011-12)**

Dy. Commissioner of Income Tax, Central Circle-32, New Delhi	Vs	M/s Utkarsh Realtech Pvt. Ltd. M-11, Middle Circle, Connaught Circus, New Delhi PAN-AABCU0945J
APPELLANT		RESPONDENT
Appellant by	Ms. Rakhi Bimal, Sr. DR	
Respondent by	None	

ORDER

PER ANADEE NATH MISSHRA, AM

[A]. This appeal has been filed by the Revenue against the order dated 27.03.2015 passed by Learned Commissioner of Income Tax (Appeals)-XXX, New Delhi [in short "Ld. CIT(A)"] pertaining to assessment year 2011-12. In this appeal, the tax effect is less than the monetary limit fixed by the Central Board of Direct Taxes (in short "CBDT") in its Circular No.17/2009 dated 08.08.2019. The Revenue has raised following grounds of appeal:-

1. *On the facts and in the circumstances of the case, the Ld. CIT(A) has erred in law and on facts in holding that the interest is*

paid and received only on the extension of PDCs and not for the entire period of PDCs.

2. *On the facts and in the circumstances of the case and in law, the Ld. CIT(A) has erred in giving directions that interest on PDCs is to be calculated after six months of issue of PDCs i.e. date of sale.*

3. *On the facts and in the circumstances of the case and in law, the Ld. CIT(A) has erred in not considering the relevant seized material while deciding the issue of interest on PDCs.*

4. *The order of the CIT(A) is erroneous and is not tenable on facts and in law.*

[B]. At the outset, it was brought to the notice by us, at the time of hearing that tax effect in this appeal is below Rs. 50,00,000./-. Vide recent CBDT Circular No.17/2019 dated 08.08.2019 read with earlier CBDT Circular No. 3 of 2018, dated 11.07.2018, minimum threshold limit of tax effect of filing of appeals by Revenue in Income Tax Appellate Tribunal ("ITAT", for short) has been enhanced to Rs. 50,00,000/-. In a subsequent clarification issued by CBDT vide F.No. 279/Misc/M-93/2018-ITJ, dated 20/08/2019, it has been clarified by CBDT that the aforesaid revised monetary limit is also applicable to all pending appeals in ITAT. Therefore, in view of the foregoing, we are of the view that this appeal filed by Revenue is not maintainable. Accordingly this appeal is dismissed being not maintainable, having regard to aforesaid CBDT

Circular No. 17/2019 dated 08.08.2019 read with aforesaid CBDT Circular No. 3 of 2018 in the light of aforesaid clarification dated 20/08/2019.

[C]. Before leaving, we clarify that Revenue will be at liberty to approach Income Tax Appellate Tribunal U/s 254(2) of Income Tax Act, 1961 seeking recall of this order and, for restoration of the appeal if it is found that this appeal of Revenue is not covered by aforesaid CBDT Circulars dated 08.08.2019 and 11.07.2018.

[D]. In the result, the appeal by Revenue is dismissed. Our decision was orally pronounced in the Open Court after conclusion of hearing on the date of hearing. Now, this written order is pronounced in Open Court on 22.10.2019.

**Sd/-
(SUSHMA CHOWLA)
JUDICIAL MEMBER**

**Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER**

Dated: 22.10.2019
SH

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI