

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'B' NEW DELHI**

**BEFORE SHRI R.K. PANDA, ACCOUNTANT MEMBER
&
SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER**

**ITA No. 1395/Del/2016
Assessment Year: 2005-06**

ACIT Central Circle-27, Room No. 327, 3 rd Floor, ARA Centre, E-2, Jhandewalan Extn., New Delhi.	vs	Paramount Residency P. Ltd. H-123, Sector-63, Noida. PAN No. AADCP5228P
APPELLANT		RESPONDENT

Revenue by	Ms. Nidhi Srivastava, CIT-DR
Assessee by	Shri Deepesh Garg, Advocate

Date of Hearing	21.10.2019
Date of Pronouncement	21.10.2019

ORDER

PER SHRI R.K. PANDA, A.M.

This appeal filed by the Revenue is directed against the order dated 31.12.2015 of the Ld. CIT(Appeals)-25, New Delhi relating to AY 2005-06.

2. The Ld. Counsel for the assessee, at the outset, submitted that the tax effect involved in the grounds raised by the Revenue is below Rs. 50 lakhs. Therefore, in view of the CBDT Circular No.

17/2019 dated 8th August, 2019, the appeal filed by the Revenue is not maintainable.

3. The Ld. DR fairly conceded that the tax effect involved in the grounds raised by the Revenue is below Rs. 50 lakhs.

4. We have considered the rival arguments made by both the sides. Admittedly, the tax effect involved in the grounds raised by the Revenue is below Rs. 50 lakhs. Therefore, in view of CBDT Circular No. 17/2019 dated 8th August, 2019 raising the monetary limit for filing of appeals by the Revenue before the Tribunal to Rs. 50 lakhs the appeal filed by the Revenue is not maintainable. It has further been clarified by the CBDT vide notification dated 20th August, 2019 that the said Circular is applicable to pending appeals also. Since, the tax effect involved in the grounds raised by the Revenue is admittedly below Rs. 50 lakhs, therefore, the appeal filed by the Revenue is not maintainable in view of the CBDT Circular cited (supra). Accordingly, the same is dismissed.

5. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced in the open Court at the time of hearing itself i.e. on 21.10.2019.

Sd/-
(SUDHANSHU SRIVASTAVA)
JUDICIAL MEMBER

Dated: 21/10/2019

*Kavita Arora

Sd/-
(R.K. PANDA)
ACCOUNTANT MEMBER

Copy forwarded to:

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

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ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	21.10.2019
Date on which the typed draft is placed before the dictating Member	21.10.2019
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	22.10.2019
Date on which the fair order is placed before the Dictating Member for pronouncement	21.10.2019
Date on which the fair order comes back to the Sr. PS/PS	22.10.2019
Date on which the final order is uploaded on the website of ITAT	22.10.2019
Date on which the file goes to the Bench Clerk	22.10.2019
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	

