

IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCHES “ B ” BENCH: BANGALORE

**BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER
AND
SHRI PAVAN KUMAR GADALE, JUDICIAL MEMBER**

ITA. No.1206/Bang/2019
(Assessment Year: 2010-11)

Asst. Commissioner of Income Tax,
Circle 1(1), Davangere.

....Appellant

Vs.

Shri D. Sudhakar Reddy,
M/s. 7 Hills Distilleries Pvt. Ltd.,
Pavagad Road, Challakere.
PAN AEOPS 9859P

.....Respondet

Assessee By:	Shri M. Vijay Kumar, Addl. CIT (D.R)
Revenue By:	Shri V. Sreenivasan, Advocate.

Date of Hearing :	07.11.2019
Date of Pronouncement :	08.11.2019

ORDER

PER SHRI PAVAN KUMAR GADALE, JM :

The Revenue has filed an appeal against the order of Commissioner of Income Tax (Appeals), Davangere passed u/s. 143(3) and 250 of the Income Tax Act, 1961. We find there is delay of 12 days in filing the appeal and on examination of condonation petition filed for delay in filing the appeal; we find

reasons explained in the Affidavit are reasonable and we condone the delay and admit the appeal.

2. At the time of hearing, it was brought to the knowledge of the Bench the tax effect in the appeal is below Rs.50 lakhs therefore covered by CBDT Circular No.17/2019 Dt.8.8.2019. We find as per the CBDT Circular No.17/2019 Dt.8.8.2019, no appeal shall be filed by the Revenue before the Tribunal where the tax effect is below Rs.50 lakhs. In the present case, the Assessing Officer has raised a demand under Section 143(3) vide order dt.31.03.2016 of Rs.37,29,357 (excluding interest) which is not disputed and the learned CIT (Appeals) has granted relief. Further the Circular of the CBDT is also applicable to the pending cases. Accordingly, the tax demand raised by the Revenue authorities is below Rs.50 lakhs and circular is applicable to the pending appeals. Hence we dismiss the Revenue's appeal on maintainability and low tax effect.

3. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on 8th Nov., 2019.

Sd/-

(B.R. BASKARAN)
ACCOUNTANT MEMBER

Sd/-

(PAVAN KUMAR GADALE)
JUDICIAL MEMBER

Dated: 08.11.2019.

*Reddy GP

Copy to

1. The appellant
2. The Respondent
3. CIT (A)
4. Pr. CIT
5. DR, ITAT, Bangalore.
6. Guard File

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore