

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

I.T.A. No. 6747/DEL/2015 (A.Y 2012-13)

Income Tax Officer, Ward - 49(1), New Delhi. (APPELLANT)	Vs	Shri Narayanan Nair, Flat No. 9, Sunshine Apartments, A-3, Paschim Vihar, New Delhi - 110 063. (AACPN 8987 B) (RESPONDENT)
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Appellant by	Sh. S. N. Meena, Sr. D.R.
Respondent by	Shri V. Raja Kumar, Adv.

Date of Hearing	25.11.2019
Date of Pronouncement	25.11.2019

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the Revenue against the order of the Commissioner of Income Tax [Appeals]-17, New Delhi dated 15.10.2015 for Assessment Year 2012-13.

2. At the outset, it was brought to our notice that the tax effect involved in this appeal being less than Rs. 50 lacs, squarely falls within the ambit of Circular No. 17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes prescribing the tax effect for preferring appeals before Tribunal by the revenue and subsequent clarification issued by CBDT on 20th August, 2019.

3. After perusing the materials available on record, we find that the amount disputed before us is below the tax effect limit prescribed by CBDT vide

Circular No. 17/2019 dated 08.08.2019 for preferring appeals before tribunal by the revenue. On perusal of the Circular No. 17/2019 dated 08.08.2019 and the materials available on record, Ld. Sr. DR could not point out as to how and why such a Circular is not applicable to the facts of the case. We find that the subsequent clarification dated 20.08.2019 makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals also. The Circular is binding on the tax authorities. Hence, we hold that the appeal of the revenue deserve to be dismissed on account of low tax effect vide Circular No. 17/2019 dated 08.08.2019 and subsequent clarification on 20.08.2019. Accordingly, on account of low tax effect case, we dismissed this appeal of revenue in limine, without going into the merits of the case.

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

Order pronounced in the Open Court on 25th day of November, 2019.

Sd/-

(N. K. BILLAIYA)
ACCOUNTANT MEMBER

Sd/-

(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Dated: 25/11/2019
*Priti Yadav, Sr. PS **

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT NEW DELHI

Date of dictation	25.11.2019
Date on which the typed draft is placed before the dictating Member	25.11.2019
Date on which the typed draft is placed before the Other Member	25.11.2019
Date on which the approved draft comes to the Sr. PS/PS	25.11.2019
Date on which the fair order is placed before the Dictating Member for pronouncement	25.11.2019
Date on which the fair order comes back to the Sr. PS/PS	25.11.2019
Date on which the final order is uploaded on the website of ITAT	25.11.2019
Date on which the file goes to the Bench Clerk	25.11.2019
Date on which the file goes to the Head Clerk	