

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई  
**IN THE INCOME-TAX APPELLATE TRIBUNAL 'D' BENCH, CHENNAI**  
श्री धुव्वुरु आर.एल रेड्डी, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य के समक्ष  
Before Shri Duvvuru RL Reddy, Judicial Member &  
Shri S. Jayaraman, Accountant Member

आयकर अपील सं./I.T.A. Nos. 3048, 3049, 3050, 3051 & 3052/Chny/2019  
निर्धारण वर्ष/Assessment Year: 2011-12 to 2015-16

The Income Tax Officer,  
Corporate Ward 1(1),  
Chennai 600 034.

Shri Rakesh Sarin,  
Vs. No. 5E, Mookambigai Complex,  
Lady Desika Road,  
Chennai 600 004.  
[PAN: ADXPR7428R]

(अपीलार्थी /Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri S. Ramakrishnan, CIT  
प्रत्यर्थी की ओर से/Respondent by : Shri K. Ravi, Advocate  
सुनवाई की तारीख/ Date of hearing : 29.01.2020  
घोषणा की तारीख /Date of Pronouncement : 31.01.2020

**आदेश /O R D E R**

**PER BENCH:**

These five appeals filed by the Revenue relating same assessee are directed against the common order of the Id. Commissioner of Income Tax (Appeals)-18, Chennai dated 26.06.2019 relevant to the assessment years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16. The only common effective ground raised by the Revenue that the Ld. CIT(A) is not correct in appreciating the evidences with respect to loan given to M/s. Quest Films of ₹.1,60,00,000/- even though a letter was found addressed to the assessee for the delay in payment of interest received by it.

2. At the time of hearing the Id. Counsel for the assessee has submitted that since the quantum addition of loan amount of ₹.1,60,00,000/- has been deleted by the Tribunal in block assessment, the consequential interest estimated on the addition is untenable. Moreover, it was the submission that the tax effect in the appeal filed by the Revenue is less than the monetary limit of ₹.50,00,000/- fixed by the CBDT to file an appeal by the Revenue before the Tribunal as per the CBDT Circular No. 17/2019, dated 08.08.2019. On the other hand, the Id. DR fairly conceded the submissions made by the Id. Counsel for the assessee.

3. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. Under para 13 of the block assessment order, the Assessing Officer made addition in the hands of the assessee towards the amount advanced to Quest Films to the extent of ₹.1,60,00,000/- as undisclosed investment of the assessee. However, we find that against the addition, vide order in I.T.(SS)A. No. 66/Chny/2007 dated 11.03.2019, the Tribunal has deleted the addition. Once the addition has been deleted by the Tribunal, the consequential levy of interest on the quantum addition is untenable and did not survive. Moreover, as rightly contended by the Id. Counsel, the tax effect in the appeals filed by the Revenue are less than the monetary limit fixed by the CBDT to file an appeal by the Revenue before the Tribunal. Being so, the Revenue

authorities are precluded from filing the appeal before the Tribunal, since the tax effect is less than ₹.50,00,000/- in these appeals. Accordingly, all the appeals filed by the Revenue are dismissed as on both counts.

4. In the result, all the appeals filed by the Revenue are dismissed.

Order pronounced on the 31<sup>st</sup> January, 2020 at Chennai.

Sd/-  
(S. JAYARAMAN)  
ACCOUNTANT MEMBER

Sd/-  
(DUVVURU RL REDDY)  
JUDICIAL MEMBER

Chennai, Dated, the 31.01.2020

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/Respondent, 3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR & 6. गार्ड फाईल/GF.