

आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE

BEFORE SHRI D. KARUNAKARA RAO, AM AND
SHRI LALIET KUMAR, JM

आयकर अपील सं. / ITA No.1879/PUN/2017
निर्धारण वर्ष / Assessment Year : 2007-08

ACIT, Ichalkaranji Circle,
Ichalkaranji.

.....अपीलार्थी / Appellant

बनाम / V/s.

Jainco Syntex Pvt. Ltd.,
10/88, Bajakuwak Sadan,
Vardhaman Chowk, Ichalkaranji,
Dist. Kolhapur-416115.

PAN : AAACJ4781E

.....प्रत्यर्थी / Respondent

Revenue by : Shri Deepak Garg
Assessee by : Shri M. K. Kulkarni

सुनवाई की तारीख / Date of Hearing : 10.02.2020

घोषणा की तारीख / Date of Pronouncement : 10.02.2020

आदेश / ORDER

PER LALIET KUMAR, JM:

This appeal is filed by the Revenue against the order of the CIT(A)-2, Kolhapur dated 15.06.2017 for the assessment year 2007-08.

2. Before us, at the outset, ld. Counsel for the assessee submitted that the appeal of the Revenue is liable to be dismissed on account of low tax effect in terms of latest CBDT Circular No.17/2019 [F.No.279/Misc.142/2007-ITJ (Pt)] dated 08th August, 2019 read with Circular No.3 of 2018 dated 11.07.2018. The ld. Counsel for the assessee submitted that the Revenue in appeal raised

grounds assailing the findings of CIT(A) in deleting the additions. Thus, the tax effect on the said additions is less than Rs.50 lakhs.

3. The ld. DR for the Revenue mentioned that the appeal was filed in the year 2017 when the tax effect limit was Rs.20 lakhs. Further, ld. DR for the Revenue fairly admitted that now the present appeal is covered under the new tax effect limit of Rs.50 lakhs as per the recent CBDT Circular (supra).

4. Both sides heard. The Revenue is in appeal against the order of CIT(A) in deleting the additions. Undisputedly, the tax effect involved in the present appeal is **less than** the monetary limit prescribed by the recent CBDT Circular No.17/2019 [F.No.279/Misc.142/2007-ITJ (Pt)] dated 08th August, 2019 read with Circular No.3 of 2018 dated 11.07.2018 for filing of appeals before the Tribunal by the Department. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No.3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus, without going into merit of the issues raised in the appeal and in view of the CBDT Circular (supra), the present appeal of the Revenue is dismissed on account of low tax effect.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeal, with the requisite material to

show that the appeal is protected by the exceptions prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20-08-2018.

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

Order pronounced in the open Court on this 10th day of February, 2020.

Sd/-

Sd/-

(D. KARUNAKARA RAO)

(LALIET KUMAR)

लेखा सदस्य/ACCOUNTANT MEMBER

न्यायिक सदस्य/JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 10th February, 2020.

Sujeet

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-2, Kolhapur.
4. The Pr. CIT-2, Kolhapur.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary

आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.