

**IN THE INCOME TAX APPELLATE TRIBUNAL  
COCHIN BENCH, COCHIN**

**Before Shri Chandra Poojari, AM & Shri George George K, JM**

ITA No.80/Coch/2020 : Asst.Year 2008-2009

The Asst.Commissioner of Income-tax, Corp.Circle 2(1) Kochi.	Vs.	M/s.Tropicana Liquid Storage Private Limited 39/3033A, Devadatham, Neduvelil Lane, Ravipuram Ernakulam – 682 016. <b>PAN : AACCT3485B.</b>
(Appellant)		(Respondent)

Appellant by : Sri.Mritunjaya Sharma, Sr.DR  
Respondent by : Sri. K.Nithyanantha Kamath, CA

<b>Date of Hearing : 05.03.2020</b>	<b>Date of Pronouncement : 05.03.2020</b>
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**ORDER**

**Per George George K, JM**

This appeal at the instance of the Revenue is directed against the order of the Commissioner of Income-tax (Appeals)'s dated 14.11.2019. The relevant assessment year is 2008-2009.

2. At the very outset, it is observed that the tax effect in the appeal filed by the Revenue is less than Rs.50 lakh, and therefore, the Circular No. 17/2019 dated 8<sup>th</sup> August, 2019, issued by the Central Board of Direct Taxes (CBDT) in exercise of its power vested under Sec. 268A of the I.T. Act comes into play, wherein, the monetary limit for filing the appeal(s) by the Revenue before the ITAT and various High Courts as well as

Apex Court are revised with an object of reducing the tax litigation. Vide para 2 of the said circular (supra), it is stated that in cases where the tax effect in the appeal to be filed before the Appellate Tribunal does not exceed Rs. 50 lakh, appeal should not be filed. Thus, taking a note of CBDT Circular No. 17/2019 dated 8<sup>th</sup> August, 2019 and considering the fact that the tax effect in the instant appeal is less than Rs.50 lakh, the present appeal deserves to be dismissed, as not maintainable. However, we make it clear that the issue(s) raised in the instant appeal is left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeal falls in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recalling the order, if so, advised.

3. Accordingly in the light of CBDT Circular No.17/2019 dated 08<sup>th</sup> August, 2019, the appeal stands dismissed.

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

Order pronounced on this 05<sup>th</sup> day of March, 2020.

Sd/-  
**(Chandra Poojari)**  
**ACCOUNTANT MEMBER**

Sd/-  
**(George George K)**  
**JUDICIAL MEMBER**

Cochin ; Dated : 05<sup>th</sup> March, 2020.  
Devadas G\*

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. The CIT(A)-I, Kochi.
4. The CIT, Kochi.
5. DR, ITAT, Cochin
6. Guard file.

BY ORDER,

(Asstt. Registrar)  
**ITAT, Cochin**