

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE – VIRTUAL COURT

BEFORE SHRI R.S. SYAL, VICE PRESIDENT AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

ITA No. 1916/PUN/2019

निर्धारण वर्ष / Assessment Year : 2009-10

ITO, Ward-2(3), Jalgaon	Vs.	M/s. S.P. Chemicals, Gat No.84, Vikhrana Road, Tal. Erandol, Jalgaon PAN : AAMFS4200J
Appellant		Respondent

C.O. No. 02/PUN/2020

(Arising out of ITA No.1916/PUN/2019)

निर्धारण वर्ष / Assessment Year : 2009-10

M/s. S.P. Chemicals, Gat No.84, Vikhrana Road, Tal. Erandol, Jalgaon PAN : AAMFS4200J	Vs.	ITO, Ward-2(3), Jalgaon
Appellant		Respondent

Assessee by None
Revenue by Shri S.P. Walimbe

Date of hearing 21-08-2020
Date of pronouncement 21-08-2020

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the Revenue and Cross Objection by the assessee arise out of the order passed by the CIT(A)-2, Nashik on 11-09-2019 in relation to the assessment year 2009-10.

2. There is no appearance from the side of the assessee despite notice. However, it has been fairly admitted by the Id. DR that the tax effect in this appeal is less than Rs.50.00 lakh.

3. Recently, the CBDT has issued circular No.17/2019 dated 08-08-2019 revising upward the monetary limits for filing of appeals by the Department in Income-tax Cases before various appellate forums. The earlier circular No.03/2018 dated 11-07-2018 fixed monetary limit for filing of appeals by the Revenue before the Tribunal at Rs.20.00 lakh. Such limit has now been enhanced in the recent Circular dated 08-08-2019 to Rs.50.00 lakh. Since tax effect in the instant appeal is less than the revised monetary limit of Rs.50.00 lakh, we are not inclined to entertain this appeal.

4. At this juncture, it is pertinent to note that the CBDT vide F.No.279/Misc/M-13/2018-ITJ dated 20-08-2019 has clarified that the revised monetary limits so mentioned in Circular No.17/2019 are applicable to all pending appeals. Not only that, it has further been directed to the competent authorities to withdraw all such appeals on or before 31-10-2019. However, it is made clear that if

the tax effect in this particular appeal is found out to be more than the prescribed monetary limit of Rs.50.00 lakh or the case is covered by an exception, it will be open to the Revenue to move the Tribunal for taking necessary action.

5. In view of the foregoing discussion, we dismiss the appeal filed by the Revenue.

6. Since the appeal of the Revenue is dismissed, the Cross Objection filed by the assessee becomes infructuous and, therefore, the same is dismissed as such.

7. In the result, the appeal as well as the Cross Objection stand dismissed.

Order pronounced in the Open Court on 21st August, 2020.

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 21st August, 2020
सतीश

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The CIT(A)-2, Nashik
4. The Pr. CIT-2, Nashik
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे
“SMC” / DR ‘SMC’, ITAT, Pune
6. गार्ड फाईल / Guard file

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	21-08-2020	Sr.PS
2.	Draft placed before author	21-08-2020	Sr.PS
3.	Draft proposed & placed before the second member		JM
4.	Draft discussed/approved by Second Member.		JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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