

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT  
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND  
Dr. ARJUN LAL SAINI, ACCOUNTANT MEMBER

**ITA No. 1487/AHD/2016**

(Assessment years: 2012-13)

(Virtual Court)

Deputy Commissioner of Income Tax, Central Circle-1, Surat.	Vs.	Akash Prithvi Corporation, Survey No.13, Old Survey No.172/01, Moje Vadod, Tal. Choryasi, Surat-395006.  <b>PAN : AAPFA0578E</b>
<b>APPELLANT</b>		<b>RESPONDEDNT</b>

Appellant by	Ms. Anupama Singla- Sr. DR
Respondent by	Sh. Dileep Patel - AR
Date of hearing	24/09/2020
Date of pronouncement	24/09/2020

**PER PAWAN SINGH, JUDICIAL MEMBER:**

1. This appeal filed by the Revenue, is directed against the order of the Id. Commissioner of Income Tax (Appeals)-4, Surat [in short “the CIT(A)”] dated 11.03.2016 for the Assessment Year (AY) 2012-13. Though, the Revenue has raised as many as three grounds of appeal, however, in our considered view the substantial ground of appeal relates to deleting the disallowance of Rs.1,55,78,079/- under section 80IB(10) of the Act.
2. At the outset of hearing, the Id. Sr. Departmental Representative (DR) fairly submitted that the tax effect involved in the present appeal is Rs. 48,13,633/- which is less than the monetary limit of Rs.50 Lakhs, as prescribed by Central Board of Direct Taxes (CBDT) in its Circular

No.17/2019 dated 08.08.2019, therefore, the appeal may be treated as not pressed. However, the revenue may be given liberty to file appropriate application for re-calling of the order in case, at later stage, if it is discovered that the appeal is covered by any exception clause of the CBDT Circular dated 08.08.2019.

- 3.** On perusal of record we find that the Ld. AR for the assessee has already filed the working of the tax effect on record vide his application dated 21.09.2020 in the following manner;

Sr No.	Particulars / additions	Amount
1	Addition/ disallowance in assessment order under section 80IB(10)	Rs. 1,55,78,097/-
2	30% tax on addition	Rs. 46,97,430/-
3	Surcharge	No surcharge in case of Firm in A.Y.-2012-13
4	Education cess @3%	Rs.140,203/-
4	Total tax effect including Education cess @ 30.90% ( 2+4)	Rs. 48,13,633/-

- 4.** Considering the submission of ld. Sr. DR for the Revenue, and the working furnished by Ld. AR for the assessee, we find that tax effect involved in the present appeal is of Rs. 48,13,633/-, which is admittedly less than the monetary limit of Rs.50 Lakhs fixed by CBDT Circular No.17/2019 dated 08.08.2019, therefore, the appeal of Revenue is dismissed being not maintainable. However, the Revenue is given liberty to get the appeal revived in case, if it is discovered that the tax effect involved in the appeals are more than the monetary limit or the case is covered by any exception clause of the aforesaid circular.

5. In the result, the appeal of the Revenue is dismissed due to low tax effect.

Order pronounced at the time of hearing of the appeal on 24/09/2020.

**Sd/-**  
**(DR. ARJUN LAL SAINI)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(PAWAN SINGH)**  
**JUDICIAL MEMBER**

Surat, Dated: 24/09/2020  
Samanta, PS

Copy to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR

// True Copy //

By order

Assistant Registrar/Sr. PS/PS  
ITAT, Surat