

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH: 'D' NEW DELHI**

**BEFORE SH. R. K. PANDA, ACCOUNTANT MEMBER  
AND  
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

**I.T.A. No. 3404/DEL/2016 (A.Y. 2011-12)**

DCIT, (International Taxation) Circle – (1)(2)(2), New Delhi.  <b>(APPELLANT)</b>	Vs	Eserve Global SAS, 221, Ground Floor, Phase-I, III, Okhla Indl. Area, New Delhi (AAACF7202Q)  <b>(RESPONDENT)</b>
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<b>Appellant by</b>	<b>Shri Anupam Kant Garg, CIT-DR</b>
<b>Respondent by</b>	<b>Shri Purushottam Anand &amp; Nageshwar Rao, Adv.</b>

<b>Date of Hearing</b>	<b>31.12.2020</b>
<b>Date of Pronouncement</b>	<b>31.12.2020</b>

**ORDER**

**PER SUCHITRA KAMBLE, JM**

This appeal is filed by the Revenue against the order of the Commissioner of Income Tax [Appeals]-42, New Delhi dated 22.03.2016 for Assessment Year 2011-12.

2. At the outset, it was brought to our notice that the tax effect involved in this appeal being less than Rs. 50 lacs, squarely falls within the ambit of Circular No. 17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes prescribing the tax effect for preferring appeals before Tribunal by the revenue and subsequent clarification issued by CBDT on 20<sup>th</sup> August, 2019.

3. After perusing the materials available on record, we find that the amount disputed before us is below the tax effect limit prescribed by CBDT vide Circular No. 17/2019 dated 08.08.2019 for preferring appeals before tribunal by the revenue. On perusal of the Circular No. 17/2019 dated 08.08.2019 and the materials available on record, Ld. DR could not point out as to how and why such a Circular is not applicable to the facts of the case. We find that the subsequent clarification dated 20.08.2019 makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals also. The Circular is binding on the tax authorities. Hence, we hold that the appeal of the revenue deserve to be dismissed on account of low tax effect vide Circular No. 17/2019 dated 08.08.2019 and subsequent clarification on 20.08.2019. Accordingly, on account of low tax effect case, we dismissed this appeal of revenue in limine, without going into the merits of the case.

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

5. Order pronounced in open court at the time of hearing in presence of both the parties on 31.12.2020

**Order pronounced in the Open Court on this 31st Day of December, 2020.**

**Sd/-**  
**(R. K. PANDA)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(SUCHITRA KAMBLE)**  
**JUDICIAL MEMBER**

Dated: 31/12/2020

*R. Naheed, Sr. PS \**

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1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR

ITAT NEW DELHI

Date of dictation	31.12.2020.
Date on which the typed draft is placed before the dictating Member	31.12.2020.
Date on which the typed draft is placed before the Other Member	31.12.2020.
Date on which the approved draft comes to the Sr. PS/PS	31.12.2020.
Date on which the fair order is placed before the Dictating Member for pronouncement	31.12.2020.
Date on which the fair order comes back to the Sr. PS/PS	31.12.2020.
Date on which the final order is uploaded on the website of ITAT	31.12.2020.
Date on which the file goes to the Bench Clerk	31.12.2020.
Date on which the file goes to the Head Clerk	