

-आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ - अहमदाबाद।

IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD – BENCH ‘C’

**BEFORE SHRI RAJPAL YADAV, VICE-PRESIDENT
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

ITA No.134/Ahd/2020
[निर्धारण वर्ष/ Asstt.Year: 2011-12]

ITO, Ward-3(1)(2) Ahmedabad.	Vs.	Parker Multi Commodities (I) P Ltd A/93-97, Pariseema Bldg Opp: IFCI Bhavan C.G. Road, Navrangpura, Ahmedabad 380 009. PAN : AAACP 9355 J
---------------------------------	-----	--

(Applicant)	(Responent)
Revenue by :	Shri L.P. Jain, Sr.DR
Assessee by :	Shri Neerav Dad, CA

सुनवाई की तारीख/Date of Hearing : 04/01/2021
घोषणा की तारीख /Date of Pronouncement: 04/01/2021

आदेश/O R D E R

PER RAJPAL YADAV, VICE-PRESIDENT

Present appeal is filed at the instance of the Revenue against order of Id.CIT(A)-9, Ahmedabad dated 09-12-2019 passed for the Asstt.Year 2011-12 challenging deletion of additions by the CIT(A) as set out in the grounds of appeal.

2. Before going to the merit of the cases, the Id.counsel for the assessee at the outset submitted that tax effect on the disputed total additions of Rs.1,47,07,399/- at the 33.22% is below Rs.50 lakhs, therefore, by virtue of recent CBDT Circular No.17 of 2019 dated 8.8.2019, Department has been instructed not to file appeal before the Tribunal where tax effect is below Rs.50 lakhs. This instruction is applicable to the pending cases also. Therefore, the present appeal of the Revenue is liable to be dismissed at the threshold. Per contra, the Id.DR did not dispute applicability of the recent CBDT circular and also tax

effect being below Rs.50 lakhs in the assessee case. He, however, left the issue to the Tribunal to pass appropriate order in the matter.

3. After hearing both the sides and after perusal of the above CBDT Instruction, we are of the view that the present appeal of the Revenue falls within the purview of the CBDT Instruction cited (supra). It is not disputed by the Revenue that tax effect on the disputed addition is less than Rs.50 lakhs, and therefore, keeping in view the above CBDT circular and provisions of section 268A of the Income Tax Act, we are of the view that the present appeal of the Revenue deserves to be dismissed. It is accordingly dismissed.

However, it is observed that in case on re-verification at the end of the AO it can be demonstrated that the tax effect is more, or Revenue's case falls within the ambit of exceptions provided in the Circular, then the Department will be at liberty to approach the Tribunal for recall of this order. Such application should be filed within the time period prescribed in the Act. In view of the above, the appeal of the Revenue is dismissed due to low tax effect.

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

Order pronounced in the Court on 4th January, 2021 at Ahmedabad.

Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER

Sd/-
(RAJPAL YADAV)
VICE-PRESIDENT