

**आयकर अपीलिय अधिकरण, अहमदाबाद न्यायपीठ 'D' अहमदाबाद ।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“D” BENCH, AHMEDABAD**

*(Convened through Virtual Court)*

**BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT AND**  
**SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. Nos. 1175/Ahd/2013 & 3030/Ahd/2014  
(निर्धारण वर्ष / Assessment Year : 2008-09)

<b>Juriscap Legal Research Pvt. Ltd.</b> 1001, Tenth Floor, GNFC Tower, S. G. Road, Ahmedabad - 380054	<b>बनाम/</b> Vs.	<b>Income Tax Officer</b> Ward 4(2), Ahmedabad
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

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आयकर अपील सं./I.T.A. No. 1314/Ahd/2013  
(निर्धारण वर्ष / Assessment Year : 2008-09)

<b>The DCIT (OSD)-I</b> Circle-4, Ahmedabad Navjivan Trust Bldg., Off. Ashram Road, Ahmedabad	<b>बनाम/</b> Vs.	<b>Juriscap Legal Research Pvt. Ltd.</b> 1001, Tenth Floor, GNFC Tower, S. G. Road, Ahmedabad - 380054
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AABCJ7308L		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से /Assessee by :	Shri Amrin Pathan, A.R.
राजस्व की ओर से/Revenue by :	Shri Lalit P. Jain, Sr.DR

सुनवाई की तारीख / Date of Hearing	27/01/2021
घोषणा की तारीख /Date of Pronouncement	28/01/2021

## आदेश/ORDER

### PER BENCH :

The captioned two appeals of assessee (quantum and penalty) and one appeal of Revenue, arise from the order of the Commissioner of Income Tax (Appeals) ('CIT(A)') concerning A.Y. 2008-09.

2. The captioned assessee has sought to withdraw the appeals listed above on the ground that they have opted to avail benefits of 'Vivad se Vishwas Scheme, 2020' (VSV). When the matter was called for hearing, the Id. counsel for the assessee at the outset has submitted that he does not seek to pursue the said appeals owing to exercise of option for availing VSV Scheme and consequently requested that their applications for withdrawal of appeals may please be granted. Reference was also made to written requests in this regard.

3. The Id. Departmental Representative for the Revenue stated that he has no objection to withdraw the appeals in the circumstances narrated on behalf of the assessee.

4. In the light of oral/written requests made on behalf of the captioned assessee, both appeals of assessee in ITA Nos. 1175/Ahd/2013 & 3030/Ahd/2014 are dismissed as withdrawn. However, in the event, the assessee fails to avail the benefit of VSV Scheme for any bonafide reasons, then the assessee concerned will be at liberty to seek restoration of original appeals for hearing before ITAT in accordance with law.

5. In the result, both appeals of assessee are dismissed as withdrawn.

**ITA No. 1314/Ahd/2013 (Revenue's appeal)**

6. The grounds of appeal raised by the Revenue read hereunder:

*"1. The Ld.CIT(A) has erred in law and on facts in directing the A.O. to reduce the upward adjustment made u/s 92CA(3) of the Act by the TPO to Rs.1,19,73,447, out of the total adjustment of Rs.2,46,24,464/- in respect of international transactions at arm's length price.*

*2. The Ld.CIT(A) erred in rejecting the comparable cases of Mold Tek Technologies Ltd. and Coral Hub Ltd.*

*3. The Ld.CIT(A) erred in determining the "arm's length Mean Margin" at 16.36% as against 32.89% determined by the A.O. (on the basis of TPO's order) without any basis."*

7. At the time of hearing, it is transpired that the appeal filed by the Revenue is hit by recently issued CBDT Circular No.17 of 2019 dated 08/08/2019 revising the previous thresholds pertaining to tax effects. It is *inter alia* noticed that the CBDT vide Instruction No. F. No. 279/Misc/M-93/2018-ITJ dt. 20/08/2019 has observed that Circular No.17/2019 dated 08/08/2019 relating to enhancement of monetary limits is also applicable to all pending appeals. As per aforesaid Circular read with instruction, all pending appeals filed by Revenue are liable to be dismissed as a measure for reducing litigation where the tax effect does not exceed the prescribed monetary limit which is now revised at Rs.50 Lakhs. In the instant case, the tax effect on the disputed issues raised by the Revenue is stated to be not exceeding Rs.50 lakhs and therefore appeal of the Revenue is required to be dismissed *in limine*.

8. The Learned DR for the Revenue could not demonstrate inapplicability of the CBDT Circular No. 17 of 2019. Accordingly,

appeal of the Revenue is dismissed as not maintainable. However, it will be open to the Revenue to seek restoration of its appeal in accordance with law on showing inapplicability of the aforesaid CBDT Circular in any manner.

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

10. In the combined result, both appeals of assessee are dismissed as withdrawn. Likewise, Revenue's appeal is also dismissed.

**This Order pronounced on 28/01/2021**

Sd/-  
(RAJPAL YADAV)  
VICE PRESIDENT  
Ahmedabad: Dated 28/01/2021

Sd/-  
(PRADIP KUMAR KEDIA)  
ACCOUNTANT MEMBER

True Copy

S. K. SINHA

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /  
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण, अहमदाबाद ।