

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

**BEFORE SHRI MAHAVIR PRASAD, JUDICIAL MEMBER  
AND  
SHRI O.P. KANT, ACCOUNTANT MEMBER  
[Through Video Conferencing]**

ITA Nos. 274 & 275/Del./2015  
Assessment Years: 2004-05 & 2005-06

DCIT, Circle-7(1), New Delhi	<b>Vs.</b>	M/s. DCM Shriram Industries Ltd., 6 <sup>th</sup> Floor, Kanchanjunga Bldg., 18, Barakhamba Road, New Delhi
<b>PAN :AAACD0204C</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant by	Ms. Shivani Bansal, Sr.DR
Respondent by	Shri R.K. Kapoor, CA

Date of hearing	01.02.2021
Date of pronouncement	01.02.2021

**ORDER**

**PER BENCH:**

These two appeals by the Revenue are directed against common order dated 22.09.2014 passed by Commissioner of Income-tax (Appeals)-XXXIII, New Delhi, for assessment years 2004-05 and 2005-06.

**2.** At the outset, the learned Sr. DR brought to our attention that CBDT, vide Circular No. 17/2019 dated 08<sup>th</sup> August, 2019, has decided that the Revenue would not prefer any appeal before

the Tribunal, if the tax effect is less than Rs.50 lakhs. Therefore, he pleaded that the appeal of the Revenue be decided as per the Instruction of the CBDT.

**3.** We have heard both the parties through Video Conferencing and perused the relevant record. We find that the CBDT vide Circular No. 17/2019 dated 08.08.2019, has enhanced the monetary limit for filing of appeals by the Department before the Income Tax Appellate Tribunal from Rs.20 lakhs to Rs.50 lakhs. The said circular also makes reference to the earlier Circular No. 3/2018, dated 11.7.2018 and, especially states that as a step towards further management of litigation, the Board has decided to enhance the monetary limit for filing of the appeals. This circular is not in supersession of the earlier circular but only amends the monetary limits as well as gives clarification with regard to paragraph 5 of the earlier circular. This, *inter alia*, means that all the other conditions mentioned in the earlier Circular No. 3 of 2018 dated 11.7.2018 will apply *mutatis mutandis* including that, it will apply to all the pending appeals.

**4.** Further, CBDT vide Circular dated 20<sup>th</sup> August, 2019 (F. No. 279/19-93/2018-ITJ), has clarified that it will apply to all pending appeals. Thus, in view of the aforesaid circular, the appeals of the Revenue are dismissed as non-maintainable as the tax effect involved in the appeals are below Rs.50 lakhs. However, it is made clear that the Department is at liberty to file Miscellaneous Application for recalling of the order, if the tax effect is found to be more than the prescribed limit of Rs.50,00,000/- or any of the conditions etc., as available in the

amendment carried out in para 10 of Circular No. 3/2018, dated 20.08.2018, is made out.

**5.** In the result, both the appeals of Revenue are dismissed.

***Order pronounced in the open court on 1<sup>st</sup> February, 2021***

***Sd/-***  
**(MAHAVIR PRASAD)**  
**JUDICIAL MEMBER**

***Sd/-***  
**(O.P. KANT)**  
**ACCOUNTANT MEMBER**

Dated: 1<sup>st</sup> February, 2021.

RK/-(D.T.D.S.)

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi