

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

**BEFORE SH. ANIL CHATURVEDI, ACCOUNTANT MEMBER  
AND SH. SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER**

(THROUGH VIDEO CONFERENCING)

ITA No.2390/Del/2018  
(for Assessment Year : 2010-11)

ACIT Central Circle – 17, New Delhi-110 055  PAN No. AAACC 3286 D <b>(APPELLANT)</b>	Vs.	Comfort Net Traders Pvt. Ltd., C/o. RRA Taxindia , D-28, South Extension Part-1, New Delhi-110049  <b>(RESPONDENT)</b>
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Assessee by	Ms. Nidhi Srivastava, CIT-DR
Revenue by	Ms. Tavi Malik, Adv.

Date of hearing:	22/02/2021
Date of Pronouncement:	22/02/2021

**ORDER**

**PER ANIL CHATURVEDI, AM:**

This appeal filed by the Revenue is directed against the order dated 09.01.2018 passed by the Commissioner of Income Tax (Appeals)-XXV, New Delhi relating to Assessment Year 2010-11.

2. Revenue has raised the following grounds of appeals:

- “1. Whether on the facts of the case the Ld. CIT(A) has erred in deleting the additions made by the AO in Pursuance of the specific directions of the Pr. CIT given vide order u/s 263 of the IT Act, 1961.

2. *Whether on the facts of the case the Ld. CIT(A) has erred in appreciating the facts that the Hon'ble Apex Court in the case of Deniel Merchants Pvt. Ltd. vs ITO (dated 29.11.2007) also upheld the action of the Pr. CIT issuing similar type of direction u/s 263 as given.*
3. *The appellant craves leave to add, alter or amend any/all of the grounds of appeal before or during the course of the hearing of the appeal."*

3. Before us, at the outset, Ld. A.R. submitted that in the impugned appeal of Revenue, the tax involved is less than the monetary limit of Rs.50 lakh and therefore, the appeal is not maintainable. Learned DR did not controvert the submissions made by Learned AR.

4. We have heard the rival parties and perused the material on record. On perusing the grounds of appeal raised by the Revenue, we find that Revenue is aggrieved by the order of Learned CIT(A) in respect of the relief given by him. We find that CBDT vide Circular No. 3/2018 dated 11.07.2018 had increased the limit for filing appeal before ITAT at Rs. 20 lakhs. The limit for filing appeals before ITAT and other authorities were enhanced by CBDT vide Circular No.17 of 2019 dated 08.08.2019. As per the aforesaid CBDT Circular dated 08.08.2019, no Department appeals are to be filed against relief given by the Learned CIT(A) before the Income Tax Appellate Tribunal unless the tax effect, excluding interest, exceeds Rs.50 lakhs. We find that in the present case, the tax effect involved is less than Rs.50 lakhs. In the absence of any material placed on record by the Revenue to

demonstrate that the issue in the present appeal is covered by exceptions provided in para 10 of the aforesaid CBDT Circular of 11.07.2018, we are of the view that the monetary limit prescribed by the instructions of the CBDT Circular dated 08.08.2019 would be applicable to the present appeal of the Department. We therefore hold the present appeal of Revenue to be not maintainable on account of low tax effect. However, in case there is any error in the computation of the tax effect involved or if for any reason, the aforesaid CBDT Circular is not applicable, it would be open to the Revenue to seek revival of the appeal. **Thus the appeal of the Revenue is dismissed.**

**5. In the result, the appeal of Revenue is dismissed.**

**Order pronounced in the open court on 22.02.2021, immediately after conclusion of the hearing of the matter in virtual mode.**

**Sd/-**

**(SUDHANSHU SRIVASTAVA)  
JUDICIAL MEMBER**

Date:- 22.02.2021

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**Copy forwarded to:**

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

**Sd/-**

**(ANIL CHATURVEDI)  
ACCOUNTANT MEMBER**

ASSISTANT REGISTRAR  
ITAT NEW DELHI