

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C": NEW DELHI
(Through Video Conferencing)**

**BEFORE
SHRI R.K. PANDA, ACCOUNTANT MEMBER
AND
SHRI K NARASIMHA CHARY, JUDICIAL MEMBER**

ITA No. 1023/Del/2018
Asstt. Year 2003-04

| | | |
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| ACIT, Circle 11(2), New Delhi | Vs. | Humboldt Wedag India Pvt. Ltd. A-36, Mehtab House, Mohan Co- operative Industrial Area, Mathura Road, New Delhi 110 044 PAN AAACH7474G |
| (Appellant) | | (Respondent) |

CO No. 96/Del/2018
(Arising out of ITA No. 1023/Del/2018)
Asstt. Year 2003-04

| | | |
|--|-----|----------------------------------|
| Humboldt Wedag India Pvt. Ltd. A-36, Mehtab House, Mohan Co-operative Industrial Area, Mathura Road, New Delhi – 110 044 PAN AAACH7474G | Vs. | ACIT, Circle-11(2), New Delhi |
| (Appellant) | | (Respondent) |

| | |
|--------------------------|-----------------------------|
| Assessee by : | Shri S.K. Aggarwal, CA |
| Assessee by: | Shri Shailesh Kumar, Sr. DR |
| Date of Hearing | 22/02/2021 |
| Date of pronouncement | 22/02/2021 |

ORDER

PER R.K. PANDA, AM

This appeal filed by the Revenue is directed against the order dated 13th November, 2017 of Ld. CIT(A)-42, New Delhi relating to assessment year 2003-04. The assessee has also filed the Cross Objection. For the sake of convenience these were heard together and are being disposed of by this common order.

ITA No. 1023/Del/2018 (Revenue)

2. Ld. Counsel for the assessee at the outset submitted that the tax effect involved in the grounds raised by the revenue is below Rs. 50 lakhs. Therefore, in view of the CBDT Circular No. 17/2019 dated 8th August, 2019, the appeal filed by the revenue is not maintainable and, therefore, the appeal is liable to be dismissed.

3. Ld. DR fairly conceded that the tax effect involved in the grounds raised by the revenue is admittedly below Rs. 50 lakhs.

4. After hearing both the sides, we find the tax effect involved in the grounds raised by the revenue is admittedly below Rs. 50 lakhs. CBDT vide circular No. 17/2019 dated 8th August, 2019 has increased the monetary limit for filing of appeals by the

Revenue to Rs. 50 lakhs. It has subsequently been clarified by the CBDT that the said circular is applicable even to pending appeals. In view of the above, the appeal filed by the revenue is not maintainable and is accordingly dismissed.

Cross Objection 96/Del/2018

5. Ld. Counsel for the assessee submitted that the assessee has gone under the Vivad Se Vishwas Act 2020 to settle the dispute and has obtained the Form No. 3 from the department. He accordingly submitted that he wants to withdraw the cross objection. In absence of any objection from the side of the Ld. DR, the request of the Ld. Counsel for the assessee seeking withdrawal of the cross objection is accepted. The cross objection filed by the assessee is accordingly dismissed as “withdrawn”.

6. In the result, the appeal filed by the Revenue and the Cross Objection filed by the assessee are dismissed.

Order pronounced in the Open Court at the time of hearing i.e. on 22nd February, 2021.

sd/-
(K NARASIMHA CHARY)
JUDICIAL MEMBER

sd/-
(R.K. PANDA)
ACCOUNTANT MEMBER

Dated: 22/02/2021

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi