

आयकर अपीलीय अधिकरण, 'डी' न्याय पीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL, 'D' BENCH, CHENNAI
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री जी. मंजुनाथ, लेखा सदस्य के समक्ष
BEFORE SHRI V.DURGA RAO, JUDICIAL MEMBER
AND SHRI G.MANJUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./I.T.A.No.2059/Chny/2018

(निर्धारणवर्ष / Assessment Year: 2007-08)

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| The Deputy Commissioner of Income Tax, Corporate Circle-1(1) Chennai. | Vs | M/s. Amec Foster Wheeler India Pvt. Ltd. 6 th floor, Zenith Building Ascendas IT Park, CSIR Road, Taramani, Chennai-600 113. |
| | | PAN: AAACF 3204C |
| (अपीलार्थी/Appellant) | | (प्रत्यर्थी/Respondent) |

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| अपीलार्थी की ओरसे/ Appellant by | : | Ms. R.Anita, JCIT |
| प्रत्यर्थी की ओरसे/Respondent by | : | Mr. Ashik Shah, C.A |

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|---------------------------------------|---|------------|
| सुनवाई की तारीख/Date of hearing | : | 27.07.2021 |
| घोषणा की तारीख /Date of Pronouncement | : | 27.07.2021 |

आदेश / ORDER

PER G.MANJUNATHA, AM:

This appeal filed by the Revenue is directed against order of the learned CIT(A)-9, Chennai dated 26.04.2018 and pertains to assessment year 2007-08.

2. It is stated before us that the tax effect in the above appeal is less than Rs. 50 lakhs and therefore, the Circular No. 17 of 2019 dated 08.08.2019 issued by the Central Board of Direct Taxes (CBDT) in exercise of its power vested under section 268A(1) of the Income Tax Act, 1961 comes into play wherein, the monetary limit for filing the appeal by the Revenue before the ITAT and various High Courts as well as Apex Court are revised with an object of the reducing the tax litigation. In

the said circular, it is stated that in cases where the tax effect in the appeal to be filed before the Appellate Tribunal does not exceed Rs. 50 lakhs appeals should not be filed. Thus, taking note of CBDT Circular No. 17 of 2019 dated 08.08.2019 and considering the fact that the tax effect in the instant appeal is less than Rs. 50 lakhs, the present appeal deserves to be dismissed as not pressed / not maintainable. However, we make it clear that the issues raised in the instant appeal is left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeal fall in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recalling the order, if so advised. Accordingly, in the light of CBDT circular No. 17 of 2019 dated 08.08.2019, the appeal stands dismissed.

3. In the result, appeal filed by the Revenue is dismissed.

Order pronounced in the open court on 27th July, 2021

Sd/-
(वी. दुर्गा राव)
(V.Durga Rao)
न्यायिक सदस्य /Judicial Member
चेन्नई/Chennai,
दिनांक/Dated 27th July, 2021
DS

Sd/-
(जी. मंजुनाथ)
(G.Manjunatha)
लेखा सदस्य / Accountant Member

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. Appellant
2. Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.