

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

**BEFORE SHRI R. K. PANDA ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

**I.T.A. No. 6332/DEL/2014 (A.Y 2010-11)
(THROUGH VIDEO CONFERENCING)**

DDIT Circle-2(2) New Delhi (APPELLANT)	Vs	SMS Siemag AG (Formerly known as SMS Siemag AG), C/o. Mohinder Puri & Co. 1A-1D, Vandana, 11, Tolstoy Marg, New Delhi AADCS1173J (RESPONDENT)
--	----	---

Appellant by	Sh. Prabha Kant, Sr. DR
Respondent by	Miss. Richa Agarwal, CA

Date of Hearing	12.08.2021
Date of Pronouncement	12.08.2021

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the Revenue against the order dated 28/08/2014 passed by DRP-III, New Delhi for assessment year 2010-11.

2. At the outset, it was brought to our notice that the tax effect involved in this appeal being less than Rs. 50 lacs, squarely falls within the ambit of Circular No. 17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes prescribing the tax effect for preferring appeals before Tribunal by the revenue and subsequent clarification issued by CBDT on 20th August, 2019.

3. The Ld. AR submitted that the tax limit is Rs. 36,42,119/- which comes under the purview of CBDT Circular No. 17/2019 dated 08.08.2019. After perusing the materials available on record, we find that the amount disputed

before us is below the tax effect limit prescribed by CBDT vide Circular No. 17/2019 dated 08.08.2019 for preferring appeal before tribunal by the revenue. On perusal of the Circular No. 17/2019 dated 08.08.2019 and the materials available on record, Ld. Sr. DR could not point out as to how and why such a Circular is not applicable to the facts of the case. We find that the subsequent clarification dated 20.08.2019 makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals also. The Circular is binding on the tax authorities. Hence, we hold that the appeal of the revenue deserve to be dismissed on account of low tax effect vide Circular No. 17/2019 dated 08.08.2019 and subsequent clarification on 20.08.2019. Accordingly, on account of low tax effect case, we dismiss this appeal of revenue in limine, without going into the merits of the case.

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

Order pronounced in the Open Court in presence of both the parties on this 12th Day of August, 2021.

Sd/-

**(R. K. PANDA)
ACCOUNTANT MEMBER**

Sd/-

**(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Dated : 12/08/2021

*R. Naheed **

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI