

**IN THE INCOME TAX APPELLATE TRIBUNAL  
(DELHI BENCH: 'F': NEW DELHI)**

**BEFORE MS SUCHITRA KAMBLE, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 660/Del/2018  
(Assessment Year: 2014-15)**

|                                      |     |                                       |
|--------------------------------------|-----|---------------------------------------|
| ACIT,<br>Circle-20(2),<br>New Delhi. | Vs. | RR Build Town (P) Ltd.,<br>New Delhi. |
| <b>PAN No: AAGCR3705A</b>            |     |                                       |
| <b>APPELLANT</b>                     |     | <b>RESPONDENT</b>                     |

**Revenue By** : Shri Jagdish Singh, Sr. DR  
**Assessee By** : Shri Chander Prakash, CA

**Per Anadee Nath Misshra, AM**

**(A)** This appeal by Revenue is filed against the impugned order of Learned Commissioner of Income Tax (Appeals)-38, Delhi, ["Ld. CIT(A)", for short], dated 25.10.2017 for Assessment Year 2014-15. The Grounds taken in this appeal of Revenue is as under:

"1. On the facts and under the circumstances of the case, the Ld.CIT(A) has erred in law and facts in deleting the addition of Rs, 1,45,00,000 made by the AO on account of unexplained cash credit u/s 68 of the Act received by the assessee from M/s Mysore Finlease Pvt. Ltd."

2. On the facts and under the circumstances of the case, the Ld. CIT (A) has erred in law and facts without considering the position of law laid down by Jurisdiction Hon'ble High Court in the case of Commissioner of Income Tax Vs. N.R. Portfolio Pvt. Ltd.

*[2014] 42 Taxmann.Com 339 Delhi) that mere production of copies of acknowledgement of ITR and bank statement do not establish the three essential ingredients-creditworthiness, genuineness and identity of lender especially in the light of fact that immediate source of fund with M/s Mysore Finlease Pvt. Ltd. is from M/s. Shridhar Portfolio Management Ltd. which is a non-discript or only paper entity."*

3. *The appellant craves to be allowed to add any fresh ground(s) of appeal and / or delete or amend any of the ground(s) of appeal."*

**(B)** At the outset, it was brought to our notice at the time of hearing, by learned Authorized Representative ("Ld. AR" for short) for assessee, that tax effect in this appeal is below Rs. 50,00,000/-. Vide recent CBDT Circular No. 17/2019 dated 08.08.2019 read with earlier CBDT Circular No. 3 of 2018, dated 11.07.2018, minimum threshold limit of tax effect for filing of appeals by Revenue in Income Tax Appellate Tribunal ("ITAT", for short) has been enhanced to Rs. 50,00,000/-. In a subsequent clarification issued by CBDT vide F.No. 279/Misc/M-93/2018-ITJ, dated 20/08/2019, it has been clarified by CBDT that the aforesaid revised monetary limit is also applicable to all pending appeals in ITAT. In view of the foregoing, it was contended by Ld. AR for assessee, that this appeal is not maintainable. Learned Senior Departmental Representative ["Ld. Sr. DR", for short) agreed with this contention of the Ld. AR for assessee, and did not press the appeal. Therefore, this appeal is dismissed being not pressed; and also being not maintainable having regard to aforesaid CBDT Circular No. 17/2019 dated 08.08.2019 read with aforesaid CBDT Circular No. 3 of 2018 in the light of aforesaid clarification dated 20/08/2019.

**(C) Before leaving, we clarify that Revenue will be at liberty to approach Income Tax Appellate Tribunal U/s 254(2) of Income Tax Act, 1961 seeking**

**recall of this order and, for restoration of this appeal if it is found that appeal of Revenue is not covered by aforesaid CBDT Circulars dated 08.08.2019 and 11.07.2018.**

**(D)** In the result, this appeal by Revenue is dismissed. Our decision was orally pronounced in the Open Court in the presence of representatives of both sides, after conclusion of hearing on 02.09.2021. Now, this written order is signed today

On 02/09/2021.

**Sd/-  
(SUCHITRA KAMBLE)  
JUDICIAL MEMBER**

**Sd/-  
(ANADEE NATH MISSHRA)  
ACCOUNTANT MEMBER**

Dated: 02/09/2021  
Pooja/-

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI

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| Date of dictation   |  |
| Date on which the typed draft is placed before the dictating Member                   |  |
| Date on which the typed draft is placed before the Other Member                       |  |
| Date on which the approved draft comes to the Sr. PS/PS                               |  |
| Date on which the fair order is placed before the Dictating Member for pronouncement  |  |
| Date on which the fair order comes back to the Sr. PS/PS                              |  |
| Date on which the final order is uploaded on the website of ITAT                      |  |
| Date on which the file goes to the Bench Clerk  |  |
| Date on which the file goes to the Head Clerk   |  |
| The date on which the file goes to the Assistant Registrar for signature on the order |  |
| Date of dispatch of the Order   |  |