

IN THE INCOME TAX APPELLATE TRIBUNAL, SURAT BENCH, SURAT
BEFORE SHRI PAWAN SINGH, JUDICIAL MEMBER AND
DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER

ITA No.286/SRT/2019 (AY 2008-09)

(Hearing in Virtual Court)

The Income Tax Officer, Ward-2(3)(8), Sujrat.	Vs.	Shri Vikas Choradia, Prop. of Priya Gems, 103, Devsagar Apartment, Near HDC Building, Dalagiya Street, Mahidharpura, Surat – 395003. pjagetaico@yahoo.co.in PAN: ANJPS 9745 G
Applicant		Respondent

Assessee by	Shri Prakash Jhunjhunwala – CA
Revenue by	Mrs. Anupama Singla – Sr.DR
Date of hearing	14.09.2021
Date of pronouncement	14.09.2021

Order under section 254(1) of Income Tax Act

PER PAWAN SINGH, JUDICIAL MEMBER:

1. This appeal by Revenue is directed against the orders of Id. Commissioner of Income Tax(Appeals)-1, Surat dated 14.03.2019 for the assessment year (AY) 2008-09.
2. At the outset of hearing, the Id. Authorised Representative (AR) of the assessee submits that tax effect involved in the present appeal is only of Rs.41,76,764/-, which is below the monetary limit of tax effect for filing appeal by Revenue before Tribunal. The learned AR for the assessee submits that Central Board of Direct Taxes (CBDT) in its Circular No.17/2019 dated 08.08.2019, has enhanced the monetary limit to Rs. 50.00 lakhs for filing appeal before the Tribunal. Thus, the present appeal is not maintainable and is liable to be dismissed.
3. The Ld. Senior Departmental Representative (Sr.DR) for the Revenue submits that the tax effect in the present appeal seems to be less than Rs.50.00

Lakhs. However, the revenue may be given liberty to get the appeal revive, in case, if it is discovered that the tax effect is more than Rs.50.00 lakhs or the grounds of appeal raised by the Revenue is covered by any exception clause of CBDT circular dated 20.08.2018.

4. We have considered the contentions of both the parties and perused the orders of Assessing Officer and order passed by Ld.CIT(A). We find that the tax effect in this appeal is of Rs.41,97,764/-, which is less than the monetary limit of the Rs.50.00 lakhs prescribed by CBDT Circular No.17/2019 dated 08.08.2019 for filing appeal by Revenue before the Tribunal. Hence, the revenue is precluded from filing appeal before the Tribunal as the tax effect in this appeal is less than Rs. 50.00 Lakhs. Hence, the appeal filed by the Revenue is dismissed. However, the Revenue is given liberty to get the appeal revive if at later stage it is discovered that grounds raised by the Revenue is covered by any exception clause of circular of CBDT dated 20.08.2018 or the tax effect is more than Rs. 50.00 Lakhs.
5. In the result, appeal of the Revenue is dismissed.

Order announced on 14th September, 2021 at the time of hearing in virtual court hearing.

Sd/-
(Dr ARJUN LAL SAINI)
ACCOUNTANT MEMBER

Surat, Dated: 14 /09/2021 / SGR*

Copy to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR
6. Guard File

Sd/-
(PAWAN SINGH)
JUDICIAL MEMBER

By order

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Sr.Pvt. Secretary, ITAT, Surat