

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH "B", NEW DELHI)**

(Through Video Conferencing)

BEFORE

**SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER
and
SHRI ANADEE NATH MISSHRA , ACCOUNTANT MEMBER**

ITA No. 5637/Del./2016, A.Y. : 2012-13

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| Addl. CIT, Special Range-8 New Delhi | Vs | M/s. Central Park Infrastructure Development Pvt Ltd. 21/48, Commercial Complex, Diplomatic Enclave, Malcha Marg, New Delhi |
| (APPELLANT) | | (RESPONDENT) |
| (PAN : AADCC4067B) | | |

Revenue by : Sh. K.A.Manu, Sr. DR

Assessee by : Sh. KVSR Krishna ,CA

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| Date of Hearing: 02.11.2021 | Date of Pronouncement: 02.11.2021 |
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ORDER

PER CHANDRA MOHAN GARG, JUDICIAL MEMBER :

This is an appeal by the department against the order dated 29/07/2016 of CIT(A)-2, New Delhi for AY 2012-13.

2. Perusal of the aforesaid appeal filed by the Revenue apparently show that the same is having low tax effect as per CBDT

Circular No.17/2019 dated 8th August, 2019 vide which the Revenue has been directed not to prefer any appeal in case the tax effect is less than Rs.50,00,000/- and this factual position has been fairly conceded by the Ld. D.R. The Ld. A.R. contended that the appeal of the Revenue may be dismissed in the light of CBDT Circular (supra).

3. We have heard the parties on the issue in controversy and perused the material on record. Perusal of CBDT Circular (supra) shows that monetary limit for filing the appeal by the Department before the Tribunal, Hon'ble High Court and Hon'ble Supreme Court has been revised.

4. In view of the CBDT Circular No.17/2019 dated 8th August, 2019 having retrospective effect as coordinate Bench of the Tribunal in case of ***Dinesh Madhavlal Patel [TS-469-ITAT-2019(Ahd)] 2019-TIOL-1556-ITAT-AHM dated 14th August, 2019*** has already decided the issue as to the applicability of the captioned circular to the pending appeals in affirmative and what has been discussed above, we are of the considered view that the aforesaid appeal is not maintainable because of low tax effect i.e. less than Rs.50,00,000/- hence, the aforesaid appeals filed by the Revenue is hereby dismissed having been become infructuous. However, in case, the present appeal is found to be maintainable at any stage

for any technical reasons, the Department shall be at liberty to seek recall of this order under relevant provisions of law.

Order pronounced in open court on this 2nd day of November, 2021.

Sd/-

**(ANANDEE NATH MISSHRA)
ACCOUNTANT MEMBER**

Binita

Dated : 02/11/2021

Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(A) New Delhi.
- 5.CIT(ITAT), New Delhi.

Sd/-

**(CHANDRA MOHAN GARG)
JUDICIAL MEMBER**

AR, ITAT
NEW DELHI.