

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCHES : B-1: NEW DELHI

BEFORE SHRI J.SUDHAKAR REDDY, AM &  
SHRI SUDHANSHU SRIVASTAVA, JM

| Sl.No. | ITA/IT(SS)A,<br>CO No. | Appellant   | Respondent   | Asstt.<br>year/<br>Period | Assessee<br>by |
|--------|------------------------|---|--|---------------------------|----------------|
| 1.     | 4038/Del/2015          | ITO, Ward-59(3),<br>Room No. 313, D,<br>Block,<br>Vikas Bhawan,<br>New Delhi-110<br>002 | Deepak Kumar<br>Gupta, Prop. Royal<br>Textile Industries,<br>3632/2, Narang<br>Colony, Tri Nagar,<br>Delhi 110 035<br>PANAFFPG9149 | 2010-11                   | None           |
| 2.     | 5383/Del/2014          | DCIT, Circle-6(1),<br>New Delhi   | MGF Motors Ltd.,<br>MGF House,<br>Asaf Ali Road,<br>New Delhi – 110<br>002<br>PAN:AABCM4247R                                       | 2010-11                   | None           |
| 3.     | 5625/Del/2014          | ITO, Ward-47(4),<br>New Delhi.  | Anjana Dhingra,<br>E-192,<br>Windosr Park, 5,<br>Vaibhav Khand,<br>Indra Puram,<br>Ghaziabad 201 010<br>PAN AEFPD0819M             | 2006-07                   | None           |
| 4.     | 4105/Del/2014          | ITO (TDS)<br>Moradabad  | LIC of India,<br>Branch Khatima<br>Mela Ghat Road,<br>Khatima, U.S. Nagar  | 2008-09                   | None           |
| 5.     | 5492/Del/2014          | DCIT,<br>Circle-10(1)<br>New Delhi  | Delhi Magzine<br>Distributors Pvt. Ltd.<br>110, Bangla Sahib<br>Marg, New Delhi<br>PAN:AAACD0072G                                  | 2010-11                   | None           |
| 6.     | 3942/Del/2014          | ITO, Ward-9(4),<br>New Delhi  | Supreme Lease<br>Finvest Private<br>Limited, 801,<br>International Trade<br>Tower, Nehru Place                                     | 2000-01                   | None           |

|     |               |  |  |         |      |
|-----|---------------|--|--|---------|------|
|     |               |  | New Delhi – 110<br>019<br>PAN AABCS8098J   |         |      |
| 7.  | 3827/Del/2014 | ACIT Hisar<br>Circle, Hisar  | Quality Foils (India)<br>Private Ltd.<br>3, Industrial<br>Development<br>Colony, Hisar<br>PAN :AAACQ0304Q  | 2010-11 | None |
| 8.  | 5245/Del/2014 | ITO, Ward-18(1),<br>New Delhi  | United Wings Pvt.<br>Ltd., B-128, Okhla<br>Industrial Area,<br>Phase-II,<br>New Delhi-110 048<br>PAN:AAACU4902G  | 2006-07 | None |
| 9.  | 5488/Del/2014 | ACIT, Bhiwani<br>Circle, Bhiwani   | Prem Chand &<br>Company, SCF-12,<br>Rani Talab, Jind –<br>126 102<br>PAN AAJFP1053H  | 2010-11 | None |
| 10. | 5014/Del/2015 | ACIT, Circle-<br>39(1), Room No.<br>903, 9 <sup>th</sup> Floor, E-<br>2 Block, Civic<br>Centre, New<br>Delhi | Angoori Devi Meena<br>273, 7 <sup>th</sup> Floor,<br>Category-B, Plot No.<br>49, Neelkanth<br>Apartment, Sector-<br>13, Rohini, Delhi –<br>110 085<br>PAN AGBPM4624K | 2008-09 | None |

PER SUDHANSHU SRIVASTAVA, JM

All these appeals filed by the Revenue were fixed because apparently, in all the cases, the tax effect is below Rs. 10 lakhs which would be evident from the disputed additions in the grounds of appeal raised by the revenue. The disputed additions before us are as under:-

| S.No. | ITA No.       | Name of the party          | Disputed additions before us |
|-------|---------------|----------------------------|------------------------------|
| 1.    | 4038/Del/2015 | ITO vs. Deepak Kumar Gupta | Rs. 14,44,757/-              |
| 2.    | 5383/Del/2014 | DCIT vs. MGF Motors Ltd.   | Rs. 25,71,467/-              |
| 3.    | 5625/Del/2014 | ITO vs. Anjana Dhingra     | Rs. 4,50,000/-               |
| 4.    | 4105/Del/2014 | ITO vs. LIC of India       | Rs. 3,92,690/-               |

|     |               |   |                 |
|-----|---------------|---|-----------------|
| 5.  | 5492/Del/2014 | DCIT vs. Delhi Magzine Distributors Pvt. Ltd. | Rs. 24,69,719/- |
| 6.  | 3942/Del/2014 | ITO vs. Supreme Lease Finvest Private Limited | Rs. 15,00,000/- |
| 7.  | 3827/Del/2014 | ACIT vs. Quality Foils (India) Private Ltd.   | Rs. 9,29,385/-  |
| 8.  | 5245/Del/2014 | ITO vs. United Wings Pvt. Ltd.                | Rs. 20,74,584/- |
| 9.  | 5488/Del/2014 | ACIT vs. Prem Chand & Company                 | Rs. 20,19,450/- |
| 10. | 5014/Del/2015 | ACIT vs. Angoori Devi Meena                   | Rs. 31,57,800/- |

2. The CBDT in its Circular No. 21/2015 dated 10<sup>th</sup> December, 2015 has revised the monetary limit for filing of the departmental appeals to the ITAT at Rs. 10 lakhs which is evident from paragraph 3 of the Circular, which reads as under :-

*"3. Henceforth, appeals/ SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder:*

| <i>S. No.</i> | <i>Appeals in Income-tax matter</i> | <i>Monetary Limit (in Rs.)</i> |
|---------------|-------------------------------------|--------------------------------|
| <i>1.</i>     | <i>Before Appellate Tribunal</i>    | <i>10,00,000/-</i>             |
| <i>2.</i>     | <i>Before High Court</i>            | <i>20,00,000/-</i>             |
| <i>3.</i>     | <i>Before Supreme Court</i>         | <i>25,00,000/-</i>             |

*It is clarified that an appeal should not be filed merely because the tax effect in a case exceeds the monetary limits prescribed above. Filing of appeal in such cases is to be decided **on merits** of the case."*

3. In paragraph 10 of the Circular, such monetary limits have been made applicable retrospectively. For ready reference, we reproduce paragraph 10 below :-

*"10. This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts/ Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn/ not pressed. Appeals before the Supreme Court will be governed by the*

*instructions on this subject, operative at the time when such appeal was filed."*

4. Therefore, the above Circular would be squarely applicable to the appeals under consideration before us.

5. Learned CIT-DR Shri Ravi Jain who appeared at the time of hearing before us stated that he needs some time to call for the report from the Assessing Officer as well as instructions from Administrative CIT for withdrawing these appeals because the appeals were filed with the approval of Administrative CIT. Learned CIT-DR further pointed out that in paragraph 7 of the said Circular, it has been clarified by the CBDT that withdrawal of these appeals by the Revenue on account of low tax effect should not be considered as a precedent in the subsequent years of the acceptance of issues involved in these appeals and, therefore, if in the subsequent years similar issue arises before the ITAT where the appeal is above the tax limit as prescribed in this Circular, the same should be decided on merits.

6. After considering the submissions of learned DR, the facts of all the cases and the Circular of the CBDT, we are of the opinion that there is no necessity for adjourning the appeals and calling the report from the Assessing Officer because apparently, the tax effect involved in these appeals of the Revenue is below Rs. 10 lakhs. However, we add here that if on receipt of order, the Assessing Officer finds that the tax effect is above Rs. 10 lakhs or, in any other manner, the Circular is not applicable, he will be at liberty to file a Miscellaneous Application. We also agree with the contention of the learned CIT-DR that this order would not be considered as an acceptance by the Revenue on the issue involved in these appeals and will

not be an estoppel for the Revenue to take up the issue involved in these appeals before the ITAT on merits if the tax effect in those years is more than Rs. 10 lakhs. With this remark, we deem it proper to dismiss the appeals in the light of the Circular No. 21/2015 of CBDT dated 10<sup>th</sup> December, 2015.

7. In the result, all the above mentioned appeals of the Revenue stand dismissed.

Order Pronounced in the open Court on 31/12/2015.

sd/-

**(J. SUDHAKAR REDDY)  
ACCOUNTANT MEMBER**

sd/-

**(SUDHANSHU SRIVASTAVA )  
JUDICIAL MEMBER**

Dated 31/12/2015

*veena*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.

|    |  | Date       |
|----|--|------------|
| 1. | Draft dictated on                          | 23.12.2015 |
| 2. | Draft placed before the author             | 28.12.2015 |
| 3. | Draft placed before the other Member       |            |
| 4. | Approved Draft comes to the Sr.PS/PS       |            |
| 5. | File sent to the Bench Clerk               |            |
| 6. | Date on which file goes to the Head Clerk. |            |
| 7. | Date on which file goes to the AR          |            |
| 8. | Date of dispatch of Order.                 |            |