

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई।  
**IN THE INCOME TAX APPELLATE TRIBUNAL  
'B' BENCH: CHENNAI**

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं  
श्री डि.एस. सुन्दर सिंह, लेखा सदस्य के समक्ष

**BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND  
SHRI D.S.SUNDER SINGH, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA Nos.165 to 169/Mds/2017  
निर्धारण वर्ष /Assessment Years: 2008-09 to 2012-13

The Asst. Commissioner of Income  
Tax, Central Circle-2, Income Tax  
Building, Race Course Road,  
Coimbatore-641 018.

**Vs.** Shri R. Rajendran,  
35A, Narayana Puram,  
Kallanatham Post, Attur,  
Salem-636 141.

**[PAN: ACFPR 4140 M]**

**(अपीलार्थी/ Appellant)**

**(प्रत्यर्थी/ Respondent)**

अपीलार्थी की ओर से/ Appellant by

: Mr.M.M.Bhusari, CIT

प्रत्यर्थी की ओर से /Respondent by

: Mr.K. Raghu, CA

सुनवाई की तारीख/Date of Hearing

: 27.04.2017

घोषणा की तारीख /Date of Pronouncement

: 28.04.2017

**आदेश / ORDER**

**PER D.S.SUNDER SINGH, ACCOUNTANT MEMBER:**

These appeals are filed by the Revenue against the Orders dated 21.10.2016 of Commissioner of Income Tax (Appeals)-18, Chennai, in ITA Nos.68 to 72/15-16 for the AYs 2008-09, 2009-10, 2010-11, 2011-12 & 2012-13.

**2.0 Delay:**

The Revenue filed appeals with delay of three days and the Ld.AO filed the condonation petition explaining the reason for delay. We heard both the parties and condoned the delay.

**3.0** The assessee made investments in shares and securities and received the dividend income which was claimed as exemption. The Assessing Officer disallowed the expenditure relating to the dividend income u/s.14A r/w Rule 8D of Income Tax Rules for the AYs as per the details given below:

<b>Case No.</b>	<b>AY</b>	<b>Disallowance made (in Rs.)</b>
ITA No.165/Mds/2017	2008-09	1,05,002
ITA No.166/Mds/2017	2009-10	1,72,949
ITA No.167/Mds/2017	2010-11	2,35,203
ITA No.168/Mds/2017	2011-12	3,36,894
ITA No.169/Mds/2017	2012-13	4,05,568

On hearing from the Ld.Departmental Representative, we find that the tax effect in the above appeals are less than Rs.10 lakhs. The CBDT in Circular No.21/2015 dated 10.12.2015 increased the monetary limit for filing appeal before this Tribunal from Rs.4 lakhs to Rs.10 lakhs. The CBDT further clarified that the Instruction dated 10.12.2015 will apply retrospectively to all the pending appeals before this Tribunal. The CBDT has also instructed its officers to withdraw the appeals pending before this Tribunal. In view of the above, this Tribunal is of the considered opinion

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that the Circular issued by the CBDT on 10.12.2015 is binding on the Department. Therefore, the appeal filed by the Revenue is not maintainable. Accordingly, the appeal of the Revenue is dismissed.

**3.0** In the result, the above five appeals of the Revenue for the AYs 2008-09, 2009-10, 2010-11, 2011-12 & 2012-13 are dismissed.

Order pronounced in the Open Court on 28<sup>th</sup> April, 2017, at Chennai.

**Sd/-**

(एन.आर.एस. गणेशन)

**(N.R.S. GANESAN)**

न्यायिक सदस्य/**JUDICIAL MEMBER**

**Sd/-**

(डि.एस. सुन्दर सिंह)

**(D.S.SUNDER SINGH)**

लेखा सदस्य/**ACCOUNTANT MEMBER**

चेन्नई/Chennai,

दिनांक/Dated: 28<sup>th</sup> April, 2017.

TLN

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. आयकर आयुक्त/CIT
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF