

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A', NEW DELHI**

**BEFORE SH. ANIL CHATURVEDI, ACCOUNTANT MEMBER
AND SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

(THROUGH VIDEO CONFERENCING)

ITA No. 628/Del/2019
(for Assessment Year : 2013-14)

ACIT Circle – 1(1), New Delhi PAN No. AADCA 1822 G (APPELLANT)	Vs.	M/s AKM Enterprises Pvt. Ltd., MBD House, Railway Road Jalandhar (RESPONDENT)
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Assessee by	Shri S. K. Bhardwaj, C.A
Revenue by	Ms. Suman Malik, Sr. D.R.

Date of hearing:	17.02.2022
Date of Pronouncement:	17.02.2022

ORDER

PER ANIL CHATURVEDI, AM :

This appeal filed by the Revenue is directed against the order dated 30.10.2018 passed by the Commissioner of Income Tax (Appeals)-5, Ludhiana relating to Assessment Year 2013-14.

2. Revenue has raised the following grounds of appeals:
 1. *“Whether on the facts and in the circumstances of the case, Ld. CIT(A) has erred in accepting the books of accounts of the assessee which had been rejected by the AO u/s 145 of the IT Act on the ground of non-production of supporting*

vouchers/documents which formed the basis of such books of accounts.”

2. *“Whether on the facts and circumstances of the case, Ld. CIT(A) had erred in deleting the addition on account of profit from food court ‘Gigabite’.”*
3. *“Whether on the facts and circumstances of the case, Ld. CIT(A) has erred in deleting the addition on account of expenses on purchase of magazines u/s 40A(2) of the IT Act.*
4. *“Whether on the facts and circumstances of the case, Ld CIT(A) has erred in deleting the addition on account of issue of suppression of scrap sale.”*
5. *“Whether on the facts and circumstances of the case, Ld CIT(A) has erred in deleting the addition on account of expenses on Employees benefits. ”*

3. Before us, at the outset, Learned AR submitted that the total tax effect in Revenue’s appeal is Rs.37,16,217/-, being below the limit of Rs.50 lakh prescribed by CBDT vide Circular No.17/2019 dated 08.08.2019, the appeal of the Revenue be dismissed.

4. We inquired from the Ld. DR as to whether the tax effect of the grounds raised by Revenue is less than the monetary limit prescribed by CBDT for filing the appeal to which he fairly admitted that the tax effect is less than the monetary limit prescribed by CBDT for filing the appeal

5. We have heard the rival submissions and perused the material on record. On perusing the grounds of appeal raised by the Revenue, we find that Revenue is aggrieved by the order of

Learned CIT(A) in respect of the relief given by him. We find that CBDT vide Circular No. 3/2018 dated 11.07.2018 had increased the limit for filing appeal before ITAT at Rs. 20 lakhs. The limit for filing the appeal before ITAT and other authorities were enhanced by CBDT vide Circular No.17 of 2019 dated 08.08.2019. As per the aforesaid CBDT Circular dated 08.08.2019, no Department appeal is to be filed against relief given by the Learned CIT(A) before the Income Tax Appellate Tribunal unless the tax effect, excluding interest, exceeds Rs.50 lakhs. We find that in the present case, the tax effect involved is less than Rs.50 lakhs. In the absence of any material placed on record by the Revenue to demonstrate that the issue in the present appeal is covered by exceptions provided in para 10 of the aforesaid CBDT Circular of 11.07.2018, we are of the view that the monetary limit prescribed by the instructions of the CDBT Circular dated 08.08.2019 would be applicable to the present appeal of the Department. We therefore hold the present appeal of Revenue to be not maintainable on account of low tax effect. However, in case there is any error in the computation of the tax effect involved or if for any reason, the aforesaid CBDT Circular is not applicable, it would be open to the Revenue to seek revival of the appeal. **Thus the appeal of the Revenue is dismissed.**

6. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on 17.02.2022, immediately after conclusion of the hearing of the matter in virtual mode.

**Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER**

**Sd/-
(ANIL CHATURVEDI)
ACCOUNTANT MEMBER**

Date:- 17.02.2022

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Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI