



आयकरअपीलीय न्यायाधिकरण पणजी न्यायपीठ में।
IN THE INCOME TAX APPELLATE TRIBUNAL,
PANAJI BENCH, PANAJI

(Through Virtual Court at Raipur)

BEFORE SHRI RAVISH SOOD, JUDICIAL MEMBER
AND

SHRI JAMLAPPA D. BATTULL, ACCOUNTANT MEMBER

आयकरअपील सं. / ITA No. 92 to 93 & 96 to 97/PAN/2018

निर्धारण वर्ष / Assessment Year : 2008-2009, 2009-2010, 2012-2013 & 2013-2014

Income Tax Officer,
Ward-1, Nipani,

Tal. : Chikodi, Dist. : Belagavi, Karnataka

.....अपीलार्थी / Appellant

बनाम / V/s.

Shri Arihant Credit Souhard Sahakari Ltd

A/p : Borgaon, Tal. : Chikodi

Dist. : Belagavi, Karnataka

PAN : AABAS 0813 K

.....प्रत्यर्थी / Respondent

Appearances

Assessee by : None for the assessee

Revenue by : Shri Sourabh Nayak

सुनवाई की तारीख / Date of conclusive Hearing : 25/02/2022

घोषणा की तारीख / Date of Pronouncement : 25/02/2022

आदेश / ORDER

PER BENCH:

These present appeals are filed by the appellant Revenue are directed against the order of Commissioner of Income Tax- Appeals, Belagavi [for short "CIT(A)"] passed u/s 250 of the Income-tax Act, 1961 [for short "the Act"], which in turn arose out of the order of the Assessing Officer [for short "AO"] passed u/s 143(3) of the Act, for various assessment years [for short "AY"].



2. For the brevity of facts, we tabulate the demographical information relating to applicable assessment proceedings and proceedings of first appellate as under;

Sr	Appeal No	Asstt Year	Assessment Order Details		First Appellate Date of order
			Under Section	Date of Order	
1	ITA/92/PAN/2018	2008-2009	143(3) r.w.s. 147	01/04/2014	08/12/2017
2	ITA/93/PAN/2018	2009-2010	143(3) r.w.s. 147	10/04/2014	08/12/2017
3	ITA/96/PAN/2018	2012-2013	143(3)	28/03/2014	08/12/2017
4	ITA/97/PAN/2018	2013-2014	143(3)	14/09/2015	08/12/2017

3. On this date of hearing, the learned departmental representative [for short “DR”] referring to amount of impugned addition made in each of these assessments year, brought to the notice of the bench that, these appeals of the revenue individually falls below the monetary tax limit within the purview of Central Board of Direct Taxes [for short “CBDT”] Circular 17/20119 r.w. Circular 3/2018.

4. Further, the Ld DR admitting the fact submitted before the bench that;

4.1 As per Circular No 3/2018, F. No. 279/Misc.142/2007-ITJ (Pt) dt 11/07/2018 issued by CBDT, Department of Revenue, Ministry of Finance, Government of India, no appeal shall be filed by the Revenue in respect of any assessment year or years where the tax effect is less than monetary limit specified in Para 3 as under;

Sr	Appeals/SLPs in the Income Tax Matters	Monetary Limit (₹)
1	Before Appellate Tribunal	20,00,000
2	Before High Court	50,00,000
3	Before Supreme Court	1,00,00,000



4.2 And the Para 3 of the aforementioned circular modified by CBDT by a subsequently Circular No 17/2019 dt 08/08/2019 thereby enhancing aforesaid monetary limit to the followings;

Sr	Appeals/SLPs in the Income Tax Matters	Monetary Limit (₹)
1	Before Appellate Tribunal	50,00,000
2	Before High Court	1,00,00,000
3	Before Supreme Court	2,00,00,000

4.3 The Para 13 of 3/2018 stipulated that, this instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in Hon'ble Supreme Court/High Courts/Tribunals, thus all pending appeals below the specified monetary tax limits may be withdrawn / not pressed.

4.4 The Ld DR further conceded that, the tax effect in these present Revenue's appeals individually falls below monetary limit of ₹50 Lakhs, however prayed that, a liberty may be given to contest any or all these appeals at any subsequent stage for the reasons stipulated in the foresaid circular by filing a Miscellaneous Application [for short "MA"] to revive these appeals for an order of recalling.

5. Undisputedly the tax effect in each of these appeals filed by the Revenue is below ₹50 Lakhs, ergo keeping in view the CBDT Circular No. 3/2018 r.w.c. 17/2019; we are inclined to dismiss these appeals due to low tax effect [for short "LTE"] without going into the merits. While disposing so, we are granting a liberty to the appellant revenue to revive the same by filing a MA for recalling of this order at any stage to agitate the matter/issue set forth in these appeals in accordance with the clauses as are contained in the respective circulars of the CBDT, we order accordingly.



6. Resultantly, the appeal of the revenue is dismissed, with no order as to cost.

Order pronounced in Open Court on this Friday 25th day of February, 2022.

Sd/-
RAVISH SOOD
JUDICIAL MEMBER

Sd/-
JAMLAPPA D. BATTULL
ACCOUNTANT MEMBER

पणजी / PANAJI; दिनांक / Dated : 25th February, 2022

आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT (Appeals), Belagavi (Karnataka)
4. The Pr. CIT, Belagavi (Karnataka)
5. विभागीय प्रतिनिधि, आयकर अपीलीय न्यायाधिकरण, पणजी / DR, ITAT, Panaji Bench, Panaji.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

निजीसचिव / Private Secretary