

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

**BEFORE SMT DIVA SINGH, JUDICIAL MEMBER
AND
SH.PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

**I.T.A .No.-4995/Del/2013 & 137/Del/2014
(ASSESSMENT YEAR-2000-01 & 2001-02)**

ITO, Ward-2(3), Room No.-389A, C.R. Building, I.P.Estate, New Delhi. (APPELLANT)	vs	Balaji Motors Pvt.Ltd., 306-Nilgiri Apartments, 9-Barakhamba Road, New Delhi. PAN-AACCB0887F (RESPONDENT)
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Appellant by	Sh.K.K.Jaiswal, DR
Respondent by	Sh. Raja Kumar, Adv.

Date of Hearing	31.03.2016
Date of Pronouncement	12.05.2016

ORDER

PER DIVA SINGH, JM

Both these appeals have been filed by the Revenue assailing the correctness of the order dated 07.06.2013 of CIT(A)-V, New Delhi pertaining to 2000-01 & 2001-02 assessment years.

2. Ld. AR inviting attention to the identical grounds raised in both the appeals submitted that whereas in 2000-01 assessment year, the Revenue is aggrieved by the relief granted by the CIT(A) amounting to Rs.12,16,284/-; in 2001-02 assessment year the relief challenged is amounting to Rs.29,40,142/-. Whereas in 2000-01 AY admittedly the tax effect is much below Rs.10 lacs for which no calculations are required. However, even for 2001-02, the amount is below the tax effect limit. Referring to the computation filed it was submitted that after taking into consideration the tax and surcharge thereon the tax effect for 2001-02

assessment year would worked out to Rs.9,55,633/-. The following calculation was placed on record:-

<i>Total amount in contest</i>	<u>Rs.29,40,412/-</u>
<i>Tax @ 30%</i>	<u>Rs.8,82,123/-</u>
<i>Surcharge @ 2.5%</i>	<u>Rs.73,510/-</u>
<i>Total taxes</i>	<u>Rs.9,55,633/-</u>

3. Considering the material available on record and the calculation provided, the Ld. Sr. DR did not dispute the same.

4. We have heard the submissions of the parties on this issue and perused the material on record. We find that the CBDT vide the aforesaid Circular dated 10.12.2015 has revised the monetary limit to Rs.10 lakh for filing the appeals by the department before Income Tax Appellate Tribunal. Para 3 of the aforesaid Circular has been made applicable vide para 10 retrospectively. Considering the settled legal precedent that the Board's instructions or directions issued to the Income Tax Authorities u/s 268A of the Income Tax Act, 1961 are binding on the authorities, we dismiss the departmental appeals considering the material available on record.

5. In the result, the appeals of the Revenue are dismissed.

The order is pronounced in the open court on 12 May, 2016.

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Sd/-
(DIVA SINGH)
JUDICIAL MEMBER

Dated: 12/05/2016
Amit Kumar

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI