

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
'PANAJI' BENCH, PANAJI**

**BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER  
AND SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.174/PAN/2019  
Assessment Year: 2015-16**

DCIT, CIRCLE-1(1), Panaji, Goa	Vs.	THE OLD GOA URBAN CO- OP. CREDIT SOCIETY LTD.  Panchayat Building Near Police Outpost, Old Goa, North Goa, Tiswadi-403001.  PAN: AAAAO 0421 A
(Appellant)		(Respondent)

**ITA No.176/PAN/2019  
Assessment Year: 2010-11**

DCIT, CIRCLE-1(1), Panaji, Goa	Vs.	DEMPO INDUSTRIES PVT. LTD.  Dempo House, Campal, Panaji, Goa-403001.  PAN: AAACU 1705 F
(Appellant)		(Respondent)

**ITA No.217/PAN/2019  
Assessment Year: 2013-14**

ITO, International Taxation, Ward-1, Panaji, Goa.	Vs.	SHRI SHIVKUMAR SANGAPPA SABOJI.  174, Budhwar Peth, Tilakwadi, Belgaum- 590006, Karnataka.  PAN: BBUPS 6615 M
(Appellant)		(Respondent)

**ITA No.243/PAN/2019  
Assessment Year: 2009-10**

ITO, (TDS), Ward-1, Panaji, Goa	Vs.	ABHAY KAMALAKAR KAMAT  H. No. 265, Vizor, Panchwadi Shiroda, Ponda, Goa - 403001.  PAN: ANFPK 3108 H
(Appellant)		(Respondent)

**ITA Nos.244 & 245/PAN/2019**  
**Assessment Year: 2008-09 & 2009-10**

ITO, (TDS), Ward-1, Panaji, Goa	Vs.	M/S. TRIPTI SHIPPING  5A-5B Sapana Terraces, Swatantrapath, Vasco Da Gama, Goa – 403802.  PAN: AADFT 6840 L
(Appellant)		(Respondent)

**Present for:**

Assessee by : NONE

Revenue by : Shri Ranjan Kumar, CIT, DR &amp; Shri Mayur Kamble, Sr. DR

Date of Hearing : 14.06.2022

Date of Pronouncement : 15.06.2022

**ORDER****PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:**

The present set of these six appeals filed by the Revenue against five different assesses are against the separate orders passed by Commissioner of Income Tax (Appeals), Panaji & Bangalore against the assessment orders passed by respective Assessing Officer.

2. We note that this set of six appeals are covered by the CBDT Circular No. 17/2019 dated 08.08.2019 in respect of tax effect on the disputed additions and, therefore, we are inclined to adjudicated on these appeals with the assistance of ld. CIT, DR & ld. Sr. DR even though none-appeared on behalf of the assessee.

3. At the outset, it is seen that the tax effect on the disputed additions before us in these six appeals is less than Rs.50 lacs as the prescribed in the CBDT's latest Circular No17/2019 dated 08.08.2019. It will be pertinent to reproduce the relevant portion of the said Circular as follows:-

*"2 . As a step toward further management of litigation, it has been decided by the Board that monetary limits for filing of appeals in income-tax cases be enhanced*

further through amendment in Para 3 of the Circular mentioned above and accordingly, the table for monetary limits specified in Para 3 of the Circular shall read as follows:

S.No.	Appeals/SLPs in Income-tax matters	Monetary Limit (Rs.)
1.	Before Appellate Tribunal	50,00,000
2.	Before High Court	1,00,00,000
3.	Before Supreme Court	2,00,00,000

3.1 We find that intention behind the Circular No17/2019 dated 08.08.2019 needs to be understood in the following perspective:-

3. Further, with a view to provide parity in filing of appeals in scenarios where separate order is passed by higher appellate authorities for each assessment year vis-à-vis where composite order for more than one assessment year is passed, para 5 of the circular is substituted by the following para:

*“5. The Assessing Officer shall calculate the tax effect separately for every assessment year in respect of the disputed issues in the case of every assessee. if, the case of an assessee, the disputed issues arise in more than one assessment year, appeal can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issues exceeds the monetary limit specified in **para 3**. No. appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. Further, even in the case of composite order of any High Court or appellate authority which involves more than one assessment year and common issues in more than one assessments year, no appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. In case where a composite order/judgment involves more than one assessee, each assessee shall be dealt with separately.”*

3.2. On perusal of the Circular No. 17/2019 dated 08.08.2019 and the materials available on record, it reveals that this circular makes it very clear that the revised monetary limits shall apply retrospectively to pending appeals as well. Hon’ble Apex Court in Commissioner of Customs vs. Indian Oil Corporation Ltd reported in 267 ITR 272 (SC) has settled the law that CBDT’s circulars are very much binding on revenue authorities.

4. We find from the records before us that the tax involved in the disputed issue in these six appeals is below Rs.50 lakhs and therefore, in view of the CBDT Circular No. 17/2019 dated 08.08.2019 no appeal should be filed by the Revenue before the Tribunal which has tax effect of Rs. 50.00 lakhs or less and this circular is also applicable retrospectively to all pending appeals. Therefore, these six appeals filed by the Revenue are dismissed.

5. In the result, all the appeals filed by the Revenue are dismissed.

**Order pronounced in the open court on 15.06.2022.**

**Sd/-  
(CHANDRA MOHAN GARG)  
JUDICIAL MEMBER**

**Sd/-  
(GIRISH AGRAWAL)  
ACCOUNTANT MEMBER**

Panaji, Dated: 15.06.2022.  
Biswajit, Sr. P.S.

Copy to:

1. The Appellant: ITO, (TDS), Ward-1 / DCIT, Circle-1(1) / ITO, International Taxation, Ward-1.
2. The Respondent: The Old Goa Urban Co-operative Credit Society Ltd. / Dempo Industries Pvt. Ltd. / Shri Shivkumar Sangappa Saboji / Abhay Kamalakar Kamat / M/s. Tripti Shipping.
3. The CIT, Concerned,
4. The CIT (A) Concerned,
5. The DR Concerned Bench

//True Copy//

By Order

Sr. Private Secretary  
ITAT, Panaji (on tour)