

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'बी' अहमदाबाद।
IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, AHMEDABAD

BEFORE SHRI P.M. JAGTAP, VICE-PRESIDENT
AND MS. MADHUMITA ROY, JUDICIAL MEMBER

ITA No. 271/Ahd/2020
Assessment Year : 2013-14

Income Tax Officer, Ward-1(2)(3), Ahmedabad	Vs	Smt. Mamta Rajivkumar Agarwal, B/72, Shantnam Tower, B/h. Civil Hospital, Shahibaug, Ahmedabad-380004 PAN : AAWPA 5720 F
अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)
Revenue by :		Shri Abhimanyu Singh Yadav, Sr. DR
Assessee by :		None

सुनवाई की तारीख/Date of Hearing : 09/06/2022
घोषणा की तारीख /Date of Pronouncement: 15/06/2022

आदेश/ORDER

PER P.M. JAGTAP, VICE-PRESIDENT :

The Revenue is in appeal before the Tribunal against the order of the learned Commissioner of Income-tax (Appeals), Ahmedabad-10 ("CIT(A)" in short) dated 20.02.2020 passed for Assessment Year 2013-2014.

2. The ground taken by the Revenue is as follows:-

"The Ld. CIT(A) has erred in law and in the facts and in circumstances of the case by deleting the penalty of Rs.11,64,099/- under Section 271(1)(c) of the Act, 1961."

3. At the time of hearing before us, none appeared on behalf of the assessee; however, since the issue in question is covered by CBDT Circular No. 17 of 2019 dated 08.08.2019, this appeal is decided *ex-parte* qua the assessee, after hearing the learned Departmental Representative and perusing the material available on record.

4. Having heard the learned Departmental Representative and having perused the material on record, we find that this appeal of the Revenue is no longer maintainable in view of the CBDT Circular No. 17 of 2019 dated 08.08.2019. The mandatory limit for cases in which Revenue can challenge the relief granted by the CIT(A) now stands enhanced to Rs.50 lakhs. This concession granted by the Central Board of Direct Taxes (CBDT) is retrospective in effect inasmuch as it

applies to all pending appeals as well. In view of the above position, the appeal of the Revenue is no longer maintainable and is dismissed as such.

5. It is, however, made clear that on re-verification at the end of the Assessing Officer if it comes out that the tax effect of more than Rs.50 lakhs is being involved in the appeal or the appeal falls within the exemption clause of the Circular, then the Revenue will be at liberty to file Miscellaneous Application to recall the Tribunal order. The application should be filed within the time limit prescribed in the Act.

6. In the result, appeal of the Revenue is dismissed due to low tax effect.

Order pronounced in the open Court on 15th June, 2022 at Ahmedabad.

Sd/-

(MADHUMITA ROY)
JUDICIAL MEMBER

Ahmedabad, Dated 15/06/2022

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Sd/-

(P.M. JAGTAP)
VICE-PRESIDENT

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)-
5. विभागीय प्रतिनिधिआयकर अपीलीय अधिकरण ,/DR,ITAT, Ahmedabad,
6. गार्ड फाईल /Guard file.

TRUE COPY

आदेशानुसार/ BY ORDER,

सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण
ITAT, Ahmedabad