

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH : E : NEW DELHI  
BEFORE SHRI C.M. GARG, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER

ITA No.1300/Del/2019  
Assessment Year: 2010-11

DCIT,  
Circle-1, LTU,  
New Delhi.

Vs Max Life Insurance Company Ltd.,  
3<sup>rd</sup> Floor, Max House,  
Okhla-1,  
Dr. Jha Marg,  
New Delhi.

PAN: AACCM3201E

(Appellant)

(Respondent)

Assessee by : Shri Bhuwan Duphar, Advocate  
Revenue by : Shri Govind Singhal, Sr. DR

Date of Hearing : 14.07.2022  
Date of Pronouncement : 14.07.2022

ORDER

PER C.M. GARG, JM:

This appeal filed by the Revenue is directed against the order dated 29.11.2018 of the CIT(A)-22, New Delhi, relating to assessment year 2010-11.

2. The ld. counsel for the assessee, at the outset, submitted that the tax effect involved in the grounds raised by the Revenue is below Rs.50 lakhs. Therefore, in view of the recent CBDT Circular No.17/2019 dated 8<sup>th</sup> August, 2019, raising the monetary limit for filing of the appeal by the Revenue before the Tribunal to Rs.50 lakhs and the subsequent clarification of the CBDT, vide Notification dated 20<sup>th</sup> August, 2019 stating that the said Circular is applicable even to pending appeals, the appeal filed by the Revenue is not maintainable.

3. The ld. DR, on the other hand, fairly conceded that the tax effect involved in the grounds raised by the Revenue being below Rs.50 lakhs, the appeal filed by the Revenue squarely falls within the ambit of the recent CBDT Circular No.17/2019 dated 8<sup>th</sup> August, 2019 and the subsequent clarification dated 20<sup>th</sup> August, 2019.

4. After hearing both the sides, we find the tax effect involved in the grounds raised by the Revenue is admittedly below Rs.50 lakhs. Therefore, in view of the CBDT Circular No.17/2019 dated 8<sup>th</sup> August, 2019 raising the monetary limits for filing of the appeals by the Revenue before the Tribunal to Rs.50 lakhs and the subsequent clarification dated 20<sup>th</sup> August, 2019 to the effect that the said Circular is applicable even to pending appeals, the appeal filed by the Revenue is not maintainable. Accordingly, the same is dismissed.

5. However, if the Revenue at any point of time finds that the tax effect involved in the grounds of the Revenue is more than Rs.50 lakhs or that the same is falling under the exceptions provided in the said Circular, the Revenue may move necessary application for recall of this order.

6. In the result, the appeal filed by the Revenue is dismissed.

The decision was pronounced in the open court on 14.07.2022.

Sd/-

(ANADEE NATH MISSHRA)  
ACCOUNTANT MEMBER

Dated: 14<sup>th</sup> July, 2022

dk

Sd/-

(C.M. GARG)  
JUDICIAL MEMBER

Copy forwarded to :

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi