

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "A", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI S. S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.28/PUN/2019
निर्धारण वर्ष / Assessment Year: 2013-14

DCIT, Circle-3, Aurangabad.	Vs.	M/s. Kasliwal Nest, 215/216, 1 st Floor, Building No.3, Apna Bazar, Jalna Road, Aurangabad- 431005. PAN : AAJFK5915H
Appellant		Respondent

C.O. No.10/PUN/2022
(Arising out of ITA No.28/PUN/2019)
निर्धारण वर्ष / Assessment Year: 2013-14

M/s. Kasliwal Nest, 215/216, 1 st Floor, Building No.3, Apna Bazar, Jalna Road, Aurangabad- 431005. PAN : AAJFK5915H	Vs.	DCIT, Circle-3, Aurangabad.
Appellant		Respondent

Revenue by : Shri Arvind Desai
Assessee by : Shri S. N. Puranik

Date of hearing : 19.07.2022
Date of pronouncement : 19.07.2022

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the Revenue directed against the order of Id. Commissioner of Income Tax (Appeals)- 2, Aurangabad dated 17.10.2018 for the assessment year 2013-14. The assessee filed the Cross Objection in appeal of the Revenue.

ITA No.28/PUN/2019 – By Revenue :

2. It is stated before us that the tax effect in the present appeal is less than Rs.50 lakhs and therefore, the Circular No.17/2019 dated 08.08.2019 issued by the Central Board of Direct Taxes (CBDT) in exercise of its power vested under Sec.268A(1) of the IT Act comes into play wherein, the monetary limit for filing the appeal by the Revenue before the ITAT and various High Courts as well as Apex Court are revised with an object of reducing the tax litigation. Vide para 3 of the said circular (supra) it is stated that in cases where the tax effect in the appeals to be filed before the Appellate Tribunal does not exceed Rs.50 lakhs appeals should not be filed. Thus, taking a note of CBDT Circular No.17/2019, dated 08.08.2019 and considering the fact that the tax effect in the instant appeal is less than Rs.50 lakhs, the present appeal deserves to be dismissed as not pressed / not maintainable. However, we make it clear that the issues raised in the instant appeal are left open to be examined in the appropriate proceedings, if arises, in future. At the same time, we also make it clear that if the appeal falls in any of the exceptions referred to in the above said CBDT Circular, the Revenue is at liberty to move an application for recalling the order if so advised. Accordingly, in the light of CBDT Circular No.17/2019 dated 08/08/2019, the appeal filed by the Revenue stands dismissed.

3. In the result, the appeal filed by the Revenue stands dismissed.

C.O. No.10/PUN/2022 – By Assessee :

4. Since the appeal filed by the Revenue is dismissed on account of low tax effect, the Cross Objection filed by the assessee becomes infructuous. Accordingly, the Cross Objection filed by the assessee stands dismissed as infructuous.

5. To sum up, the appeal filed by the Revenue as well as Cross Objection filed by the assessee stand dismissed as indicated above.

Order pronounced in the open Court on this 19th day of July, 2022.

Sd/-
(S. S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 19th July, 2022.

Sujeet

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-2, Aurangabad.
4. The Pr.CIT-2, Aurangabad.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "A" बेंच, पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.