

आयकर अपीलीय अधिकरण न्यायपीठ नागपुर में।
IN THE INCOME TAX APPELLATE TRIBUNAL,
NAGPUR BENCH : NAGPUR

BEFORE S.S.VISWANETHRA RAVI, JUDICIAL MEMBER
AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.525/NAG/2016
निर्धारण वर्ष / Assessment Year : 2007-08

The Deputy Commissioner of Income Tax, Central Circle-1(3), Nagpur.	V s	Shri Chaganlal Kunverjibhai Patel, Prop. M/s.Gigeo Real Estate, Plot No.36, Kamal Palace, Dhantoli, Nagpur – 440010. PAN: ACRPP 0924 H
Appellant/ Revenue		Respondent /Assessee

Assessee by	Shri Manoj G Moryani – Adv.
Revenue by	Shri Kailash G.Kanojiya – CIT(DR)
Date of hearing	11/11/2022
Date of pronouncement	15/11/2022

आदेश/ ORDER

PER DR. DIPAK P. RIPOTE, AM:

This is an appeal filed by the Revenue against the order of Id.Commissioner of Income Tax(Appeals)-3, Nagpur dated 29.07.2016 emanating from the order under section 153A r.w.s 143(3) of the Act dated 30.12.2010 passed by the ACIT, Central Circle-1(3), Nagpur.

2. The CBDT has issued circular No.17/2019 dated 08-08-2019 revising upward the monetary limits for filing of appeals by the Department in Income-tax Cases before various appellate forums. The earlier circular No.03/2018 dated 11/07/2018 fixed monetary

limit for filing of appeals by the Revenue before the Tribunal at Rs.20.00 lakhs. Such limit has now been enhanced in the Circular dated 08-08-2019 to Rs.50.00 lakhs. The tax effect in the instant appeal is less than the revised monetary limit of Rs.50.00 lakhs.

3. At the time of hearing before this Tribunal, the Id.Authorised Representative(Id.AR) of the assessee submitted as under:

<i>“Assessee</i>	<i>: Chhaganlal K Patel</i>
<i>Asstt. Year</i>	<i>: 2007-2008</i>
<i>Appeal No.</i>	<i>: ITA No. 525/Nag/2016 (Dept)</i>
<i>Fixed For</i>	<i>: 06/06/2022</i>
<i>Returned Income</i>	<i>: 21,06,937/-</i>
<i>Assessed Income</i>	<i>: 1,35,00,220/-</i>
<i>Addition</i>	<i>: 1,13,93,283/-</i>
<i>TAX on Returned Income</i>	<i>: 6,53,096/-</i>
<i>(i.e. Tax on 21,06,937/-)</i>	
<i>TAX on Assessed Income</i>	<i>: 40,00,066/-</i>
<i>(i.e. Tax on 1,35,00,220/-)</i>	
<i>NET TAX EFFECT</i>	<i>: 33,46,970/-</i>
<i>Addition</i>	<i>1,13,93,283/-</i>
<i>Addition deleted by CIT(A):</i>	<i>1,13,93,283/-</i>
<i>Revised assessed income:</i>	<i>21,06,937/-</i>

Ground No. ___
Issue covered in favour of the assessee by board circular vide no.17 of 2019 Tax Effect - Rs.33,46,970/-.”

4. At this juncture, it is pertinent to note that the CBDT vide F.No.279/Misc/M-13/2018-ITJ dated 20-08-2019 has clarified that the revised monetary limits so mentioned in Circular No.17/2019 are applicable to all pending appeals. In view of the foregoing discussion, we dismiss the appeal filed by the Revenue on account of

low tax effect. However, Revenue is at liberty to file Miscellaneous Application, if the appeal is covered by any of the exceptions mentioned in the circular.

5. In the result, appeal of the Revenue is dismissed as not maintainable.

Order pronounced in the open Court on 15th November, 2022.

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

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 15th Nov, 2022/ SGR*

आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर बेंच,
नागपुर / DR, ITAT, Bench, Nagpur.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

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