

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH : A : NEW DELHI

BEFORE SHRI C.M. GARG, JUDICIAL MEMBER  
AND  
SHRI NARENDRA KUMAR BILLAIYA, ACCOUNTANT MEMBER

ITA No.658/Del/2015  
Assessment Year: 2010-11

ITO,  
Ward-6(2),  
CR Building,  
New Delhi.

Vs Climax Overseas Pvt. Ltd.,  
153, Sector-3,  
IMT Manesar,  
Gurgaon.

PAN: AABCC5665R

(Appellant)

(Respondent)

CO No.87/Del/2019  
(ITA No.658/Del/2015)  
Assessment Year: 2010-11

Climax Overseas Pvt. Ltd.,  
153, Sector-3,  
IMT Manesar,  
Gurgaon.

Vs ITO,  
Ward-6(2),  
CR Building,  
New Delhi.

PAN: AABCC5665R

(Cross Objector)

(Respondent)

Assessee by : Shri Rakesh Kumar Khiwani, CA  
Revenue by : Shri Kanav Bali, Sr. DR

Date of Hearing : 01.12.2022  
Date of Pronouncement : 01.12.2022

ORDER

PER C.M. GARG, JM:

The appeal filed by the Revenue and the Cross Objection filed by the assessee are directed against the order dated 10.11.2014 of the CIT(A)-VI, 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 limit 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.

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6. At the time of hearing, the Id. Counsel did not press the Cross Objection filed by the assessee. Hence, the same is dismissed as 'not pressed.'

7. In the result, both the appeal filed by the Revenue as well as the CO filed by the assessee are dismissed.

Order pronounced in the open court on 01.12.2022.

Sd/-

(NARENDRA KUMAR BILLAIYA)  
ACCOUNTANT MEMBER

Sd/-

(C.M. GARG)  
JUDICIAL MEMBER

Dated: 01<sup>st</sup> December, 2022

dk

Copy forwarded to :

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

Asstt. Registrar, ITAT, New Delhi