

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

BEFORE SHRI C.M. GARG, JUDICIAL MEMBER
AND
DR. B.R.R. KUMAR, ACCOUNTANT MEMBER

ITA No.5207/Del/2015
Assessment Year: 2006-07

ITO,
Ward-1(3),
New Delhi.

Vs. Accord Overseas Pvt. Ltd.,
C-18/2, Wazirpur Indl. Area,
Delhi -110 052.

PAN: AABCA8860G

CO No.84/Del/2022
(ITA No.5207/Del/2015)
Assessment Year: 2006-07

Accord Overseas Pvt. Ltd.,
C-18/2, Wazirpur Indl. Area,
Delhi -110 052.

Vs. ITO,
Ward-1(3),
New Delhi.

PAN: AABCA8860G

(Appellant)

(Respondent)

| | | |
|-----------------------|---|-------------------------|
| Assessee by | : | Shri Anil Jain, CA |
| Revenue by | : | Shri Kanav Bali, Sr. DR |
| Date of Hearing | : | 08.02.2023 |
| Date of Pronouncement | : | 15.02.2023 |

ORDER

PER C.M. GARG, JUDICIAL MEMBER:

This appeal filed by the Revenue and the CO filed by the assessee are directed against the order dated 11.06.2015 of the CIT(A)-1, New Delhi, relating to Assessment Year 2006-07.

2. The Id. 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 8th 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 20th August, 2019 stating that the said Circular is applicable even to pending appeals, the appeal filed by the Revenue is not maintainable.

3. The Id. 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 8th August, 2019 and the subsequent clarification dated 20th 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 8th 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 20th 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 15th February, 2023.

Sd/-

(B.R.R. KUMAR)
ACCOUNTANT MEMBER

Dated: 15th February, 2023.

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Copy forwarded to :

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

Sd/-

(C.M. GARG)
JUDICIAL MEMBER

Asstt. Registrar, ITAT, New Delhi