

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'G', NEW DELHI**

**BEFORE SH. ANIL CHATURVEDI, ACCOUNTANT MEMBER  
AND SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No.9103/Del/2019  
(Assessment Year : 2011-12)

ACIT Central Circle – 30 New Delhi  <b>PAN No. AAFCA 9848 N (APPELLANT)</b>	Vs.	Shalimar Lakecity Pvt. Ltd. 308, Tulsiyan Chamber, Nariman Point, Mumbai Maharashtra – 400 021  <b>(RESPONDENT)</b>
---	-----	--

Assessee by	Shri Subhash Agarwal, Adv.
Revenue by	Ms. Sunita Verma, CIT-D.R.

Date of hearing:	25.05.2023
Date of Pronouncement:	25.05.2023

**PER ANIL CHATURVEDI, AM :**

This appeal filed by the Revenue is directed against the order dated 24.09.2019 passed by the Commissioner of Income Tax (Appeals)-30, New Delhi for Assessment Year 2011-12.

2. Revenue has raised the following grounds of appeals:

1. *“Whether on the fact and in the circumstances of the case and in law Rs.42,85,058/- the Ld. CIT(A) was legally justified in holding that documents relied upon by the AO in the assessment leading to the addition of Rs. 1,29,00,000/- towards unsecured loans from bogus/shell companies/entities engaged in illegal business of providing accommodation entries, punishable under various provision of IPC are not incriminating in nature? In doing so, the Ld. CIT(A) has ignored the fact that network, documentation and web of layered: companies in the illegal business of providing accommodation entries is well organized throughout MCA and Income Tax Department before various AOs and any finding of information leading to such illegal bogus companies is truly*

*incriminating in nature. Further, the decision of the Ld. CIT(A) leads to legitimizing of accommodation entries routed illegally violating various provisions of IPC.*

2. *The order of the CIT(A) is erroneous and not tenable in law on facts.*
3. *That the grounds of appeal are without prejudice to each other.*
4. *That the appellant craves leave to add, amend, alter or forgo any ground(s) of appeal either before or at the time of hearing of the appeal.”*

3. At the time of hearing Learned AR submitted that the tax effect in the present appeal of Revenue is less than the monetary limit prescribed by CBDT for filing the appeal and therefore the appeal of Revenue needs to be dismissed.

4. Learned DR on the other hand did not controvert the factual submissions made by Learned AR but however supported the order of AO.

5. We have heard the rival submissions and perused the material on record. On perusing the grounds of appeal raised by the Revenue, we find that Revenue is aggrieved by the order of Learned CIT(A) in respect of the relief given by him. We find that CBDT vide Circular No. 3/2018 dated 11.07.2018 had increased the limit for filing appeal before ITAT at Rs. 20 lakhs. The limit for filing the appeal before ITAT and other authorities were enhanced by CBDT vide Circular No.17 of 2019 dated 08.08.2019. As per the aforesaid CBDT Circular dated 08.08.2019, no Department appeal is to be filed against relief given by the Learned CIT(A) before the Income Tax Appellate Tribunal unless the tax effect, excluding interest, exceeds Rs.50 lakhs. We find that in

the present case, the tax effect involved is less than Rs.50 lakhs. In the absence of any material placed on record by the Revenue to demonstrate that the issue in the present appeal is covered by exceptions provided in para 10 of the aforesaid CDBT Circular of 11.07.2018, we are of the view that the monetary limit prescribed by the instructions of the CDBT Circular dated 08.08.2019 would be applicable to the present appeal of the Department. We therefore hold the present appeal of Revenue to be not maintainable on account of low tax effect. However, in case there is any error in the computation of the tax effect involved or if for any reason, the aforesaid CDBT Circular is not applicable, it would be open to the Revenue to seek revival of the appeal. **Thus the appeal of the Revenue is dismissed.**

**6. In the result, appeal of the Revenue is dismissed.**

**Order pronounced in the open court on 25.05.2023**

**Sd/-**

**(ANUBHAV SHARMA)  
JUDICIAL MEMBER**

**Sd/-**

**(ANIL CHATURVEDI)  
ACCOUNTANT MEMBER**

Date:- 25.05.2023

PY\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT NEW DELHI