

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

**BEFORE SHRI SONJOY SARMA, HON'BLE JUDICIAL MEMBER
AND SHRI GIRISH AGRAWAL, HON'BLE ACCOUNTANT MEMBER**

**ITA No.44/Ran/2020
Assessment Year: 2012-13**

ACIT, Circle-1(1), Dhanbad	vs	Shri Santosh Kumar Chaurasia Post Office Road, Katras, Dhanbad-828113. PAN: AAGFS 1012 A
(Appellant)		(Respondent)

Present for:

Assessee by : Shri Rajesh Kumar Kapardhar, Advocate
Revenue by : Shri Pranob Kumar Koley, Sr. DR

Date of Hearing : 04.05.2023
Date of Pronouncement : 24.05.2023

ORDER

PER SONJOY SARMA, JM:

This appeal in ITA No. 44/Ran/2020 for A.Y. 2012-13 is preferred by the revenue against the order of the Commissioner of Income Tax, National Faceless Appeal Centre, Delhi (NFAC) [Ld. CIT in short], dated 21.05.2020 and the grounds raised therein by the revenue read as under:

- "i. Under the facts and circumstances of the case the CIT(A) has erred in allowing the appeal of the assessee.*
- ii. The CIT(A) has failed to appreciate the fact that penal payment of Rs. 10,15,291/- for breach of contract claimed by the assessee in the profit & loss accounts.*
- iii. The appellant craves leave to add/edit/modify any grounds of appeal at the time of hearing."*

2. The ld. Counsel for the assessee at the outset has pointed out that the tax effect involved in this appeal filed by the Revenue is less than the revised monetary limit of Rs. 50,00,000/- fixed by the C.B.D.T. for filing the appeals of the Revenue before the Tribunal and this position which is clearly evident from the

grounds raised by the Revenue in this appeal is not disputed even by the ld. D.R. In the Circular No. 17/2019 dated 8th August, 2019 issued by the C.B.D.T., the monetary limit for filing the appeal by Revenue before the Tribunal is revised to Rs. 50,00,000/-. As further clarified in the said Circular, the monetary limit so revised is applicable even to the pending appeals and the same are directed to be withdrawn or not pressed. We accordingly treat this appeal as withdrawn/not pressed on account of low tax effect in view of the C.B.D.T. Circular No. 17/2019 dated 8th August, 2019 and dismiss the same.

3. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open court on 24.05.2023

Sd/-

**(GIRISH AGRAWAL)
ACCOUNTANT MEMBER**

Sd/-

**(SONJOY SARMA)
JUDICIAL MEMBER**

Kolkata: 24.05.2023
Biswajit, Sr. P.S.

Copy to:

1. The Appellant: ACIT, Circle-1(1), Dhanbad.
2. The Respondent: Shri Santosh Kumar Chaurasia.
3. The CIT,
4. The CIT (A)
5. The DR .

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By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata