

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI "H" BENCH: NEW DELHI**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER &
SHRI M. BALAGANESH, ACCOUNTANT MEMBER**

ITA Nos.8493 & 8413/Del/2019

[Assessment Years : 2015-16 & 2016-17]

DCIT, Central Circle-26, New Delhi	vs	VKS Properties Pvt.Ltd., 412, M. G. House 1, Community Centre, Wazirpur Industrial Area, New Delhi-110052. PAN-AACCV2627D
APPELLANT		RESPONDENT
Appellant by	Shri Manvendra Goel, CIT DR	
Respondent by	Shri Ved Jain, Adv. & Ms. Supriya Mehta, CA	
Date of Hearing	08.06.2023	
Date of Pronouncement	14.07.2023	

ORDER

PER KUL BHARAT, JM :

Both appeals filed by the Revenue for the assessment years 2015-16 and 2016-17 are directed against the different orders of Ld. CIT(A)-29, New Delhi dated 22.08.2019 respectively. Since identical grounds have been raised, both appeals were taken up together for hearing and are being disposed off by way of consolidated order for the sake of brevity.

2. The Revenue has raised following grounds in both these appeals:-

ITA No.8493/Del/2019 [Assessment Year : 2015-16]

1. *“On the facts and in the circumstances of the case the Ld.CIT(A) has erred in law and on facts in deleting the protective addition of Rs.1,43,35,242/- made by the AO on account of unexplained cash credits, without considering the fact that the assessee has failed to discharged the onus to satisfy the conditions laid on*

u/s 68 of the Income Tax Act, 1961 with regard to the nature and source of credit entries in respect of share capital/premium/unsecured loans and other credits in bank.

2. *That the grounds of appeal are without prejudice to each other.*
3. *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.”*

ITA No.8413/Del/2019 [Assessment Year : 2016-17]

1. *“On the facts and in the circumstances of the case, the Ld.CIT(A) has erred in law and on facts in deleting the protective addition of Rs.1,51,08,399/- made by AO on account of unexplained cash credits, without considering the fact that the assessee has failed to discharged the onus to satisfy the conditions laid on u/s 68 of the I.T.Act, 1961 with regard to the nature and source of credit entries in respect of share capital/premium/unsecured loans and other credits in bank.*
2. *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 outset, Ld. Counsel for the assessee pointed out that the present appeals pertaining to Assessment Years 2015-16 and 2016-17 deserves to be dismissed as the tax effect involved in these cases is below Rs.50 Lacs.
4. The CBDT vide Circular No.17/2019 dated 08.08.2019 has revised the monetary limit for filing the appeals before the Tribunal to Rs.50 Lacs. Further, CBDT vide letter dated 20.08.2019 has also clarified that Circular No.17/2019 would be applicable to all pending appeals. In such circumstances, the present appeals filed by the Revenue being of low tax effect are not maintainable.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for re-institution of appeals, if the requisite material is brought to show that the appeals are protected by the exceptions prescribed in para 10 of the Circular dated 11.07.2018.

6. In conclusion, by applying the CBDT Circular dated 08.08.2019 and letter dated 20.08.2019 (supra), the captioned appeals of the Revenue are dismissed for being below the pecuniary limit.

7. In the result, both appeals of the Revenue are dismissed.

Order pronounced in the open Court on 14th July, 2023.

Sd/-
(M.BALAGANESH)
ACCOUNTANT MEMBER

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

** Amit Kumar **

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI