

IN THE INCOME TAX APPELLATE TRIBUNAL,
NAGPUR BENCH
(At e- Court, Pune)

BEFORE SHRI R.S.SYAL, VICE PRESIDENT AND
SHRI S.S.VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. /ITA No.265/Nag/2018

निर्धारण वर्ष / Assessment Year : 2015-16

ITO, Ward-1(3), Nagpur	Vs.	M/s. Yashoda Builders and Developers, 122, Somwari Bazar Road, Sitabuldi, Nagpur – 440 012 Maharashtra PAN : AABFY3873E
Appellant		Respondent

Assessee by : Shri K.P. Dewani
Revenue by : Smt. Rashmi Mathur

सुनवाई की तारीख / Date of Hearing : 28.07.2023

घोषणा की तारीख / Date of Pronouncement : 31.07.2023

आदेश / ORDER

PER R.S.SYAL, VP:

This appeal by the Revenue is directed against the order dated 28-09-2018 passed by the Id. CIT(A)-1 Nagpur in relation to the assessment year 2015-16.

2. At the outset, the Id. DR admitted that the tax effect in this appeal was less than Rs.50.00 lakh. The CBDT has issued circular No.17/2019 dated 08-08-2019 revising upward the monetary limits for filing of appeals by the Department in Income-tax Cases before various appellate forums. The earlier circular No.03/2018 dated 11-07-2018 fixed monetary limit for filing of appeals by the Revenue

before the Tribunal at Rs.20.00 lakh. Such limit has now been enhanced in the recent Circular dated 08-08-2019 to Rs.50.00 lakh. Since tax effect in the appeal under consideration is admitted to be less than the prescribed monetary limit of Rs.50.00 lakh, we are not inclined to entertain this appeal. This appeal of the Revenue is liable to be and is hereby not allowed to be prosecuted. However, it is clarified that if, later on, it is found that the tax effect is more than the monetary limit of Rs.50.00 lakh, the Department will be at liberty to move application for restoration of the appeal.

3. In the result, the appeal is dismissed.

Order pronounced in the Open Court on 31st July, 2023.

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे / Pune; दिनांक / Dated : 31st July, 2023
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT-1, Nagpur
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “नागपुर” बेंच,
/ DR, ITAT, “Nagpur” Bench
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary

आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	28-07-2023	Sr.PS
2.	Draft placed before author	31-07-2023	Sr.PS
3.	Draft proposed & placed before the second member		JM
4.	Draft discussed/approved by Second Member.		JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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