

IN THE INCOME TAX APPELLATE TRIBUNAL
PANAJI BENCH :: PANAJI

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER &
SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER
(Through virtual hearing)

ITA Nos.83 to 89, 91, 93/PAN/2019
(A.Y. 2009-10 to 2017-18)

And

ITA Nos.90, 92 & 94/PAN/2019
(A.Y. 2015-16, 2016-17 & 2017-18)

ACIT, Circle-2(1), Panaji, Goa	vs	M/s. V.M. Salgaocar and Brother Pvt. Ltd., Post Box No.14, Salgaocar House, F.L. Gomes Road, Vasco Da Gama, Goa. PAN: AAACV 5950 B
Appellant		Respondent
Assessee by	:	Smt. Urvi Mehta, AR
Revenue by	:	Shri Badrinath Yamaji Chavan, DR
Date of hearing	:	18/08/2023
Date of pronouncement	:	22/08/2023

ORDER

Per Bench:

ITA Nos.83 to 89, 91, 93/PAN/2019 and ITA Nos.90, 92 & 94/PAN/2019 preferred by the Revenue emanates from the common order, each, passed by the Commissioner of Income Tax [Appeal]-1, Panaji, dated 31/12/2018 for A.Ys. 2009-10 to 2017-18 and 2015-16, 2016-17 & 2017-18 respectively, as per the grounds of appeals on record.

2. At the very outset, Id.AR of the assessee has submitted that tax effect involved in the Revenue's appeals is below Rs.50.00 lakhs and per the CBDT Circular No.17/2019 dated 08/08/2019 read with CBDT Circular No.3/2018 dated 11/07/2018, the appeals filed by the Revenue are not maintainable.

3. Ld.DR admitted the fact that all the appeals of the Revenue are not maintainable due to low tax effect.

4. Having heard the parties and considering the materials on record, we find that the appeals filed by the Revenue are not maintainable due to low tax effect as per CBDT Circular No.17/2019, dated 08/08/2019 read with CBDT Circular No.3/2018, dated 11/07/2018. However, we further hold that if in the near future, it is found that these cases of the Revenue fall within one of the exceptions mentioned in the said circular, then Revenue shall be at liberty to apply for revival of these appeals. With these observations, the appeals of the Revenue are dismissed on low tax effect.

5. In the result, Revenue's appeals stand dismissed.

Order pronounced in open Court on 22nd August, 2023.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Sd/-
(PARTHA SARATHI CHAUDHURY)
JUDICIAL MEMBER

Dated : 22nd August, 2023

vr/-

Copy to :

1. The Appellant.
2. The Respondent.
3. The Pr. CIT concerned.
5. The DR, ITAT, Panaji Bench, Panaji.
6. Guard File.

By Order

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Senior Private Secretary
ITAT, Pune.