

**।आयकर अपीलीय अधिकरण न्यायपीठ नागपुर में।
IN THE INCOME TAX APPELLATE TRIBUNAL,
NAGPUR BENCH : : NAGPUR**

[VIRTUAL HEARING AT PUNE]

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER**

आयकर अपील सं. / ITA No.159/NAG/2019

निर्धारण वर्ष / Assessment Year : 2014-15

The Income Tax Officer, Ward-2, Bhandara.	Vs	The Bhandara Urban Co- Operative Bank Limited, Gandhi Chowk, Bhandara, Maharashtra – 441904. PAN : AAAFT 7398 G
Appellant / Revenue		Respondent /Assessee

Assessee by	Shri Manoj G Moryani – AR
Revenue by	Shri Kailash Kanojiya – DR
Date of hearing	22/09/2023
Date of pronouncement	28/09/2023

आदेश/ ORDER

PER DR. DIPAK P. RIPOTE, AM:

This appeal filed by the Revenue i.e.ITO, Ward-2, Bhandara is directed against the order of Id.Commissioner of Income Tax(Appeals)-2, Nagpur dated 29.03.2019 for the A.Y.2014-15, emanating out of order under section 143(3) of the Income Tax Act, 1961 (in short “the Act”). The Revenue has raised the following grounds of appeal :

- “1. Whether, on the facts and in the circumstances of the case in law, the Ld. CIT(A) erred in not appreciating the disallowance u/s 36(viia) to the tune of Rs.28,65,830/- made in assessment order under the provision I.T. Act 1961?*
- 2. Whether, on the facts and in the circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the addition made in respect of accrued interest on NPAs to the tune of Rs.33,79,883/- made in assessment order under the provision I.T. Act 1961?*
- 3. Any other ground that may be raised during the proceedings.”*

Findings & Analysis :

2. In this case, we observed Tax Effect is Rs.21,22,919/-. We have perused the calculation. The CBDT 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 lakhs. Such limit has now been enhanced in the Circular No.17/2019 dated 08.08.2019 to Rs.50.00 lakhs. The tax effect in the instant appeal is less than the revised monetary limit of Rs.50.00 lakhs.

3. At this juncture, it is pertinent to note that the CBDT vide F.No.279/Misc/M-13/2018-ITJ dated 20.08.2019 has clarified that the revised monetary limits so mentioned in Circular No.17/2019 are applicable to all pending appeals. In view of the foregoing discussion, we dismiss the appeal filed by the Revenue on account of low tax effect. However, if Revenue disagrees with the calculation submitted by the Id.AR, the Revenue is free to file Miscellaneous Application if deemed appropriate.

4. In the result, appeal of the Revenue is dismissed as not maintainable.

Order pronounced in the open Court on 28th September, 2023.

Sd/-
(S.S.GODARA)
JUDICIAL MEMBER

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 28th Sep, 2023/ SGR*

आदेश की प्रतिलिपिअग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर बेंच,
नागपुर/ DR, ITAT, Bench, Nagpur.
6. गार्डफ़ाइल / Guard File.

ITA No.159/NAG/2019
The Bhandara Urban Co-Operative Bank Limited [R]

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे/ITAT, Pune.