

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH “G”: NEW DELHI**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER  
AND  
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

**ITA No. 4731/DEL/2014  
Assessment Year: 2009-10**

DCIT, Circle-1, Faridabad.	<u>Vs</u>	M/s Talbros Engineering Ltd., Plot No. 74-75, Sector-6, Faridabad. PAN-AABCT0247L
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Assessee represented by</b>	Shri Deepesh Garg, Adv.	
<b>Department represented by</b>	Shri Anuj Garg, Sr. DR	
<b>Date of hearing</b>	08.01.2024	
<b>Date of pronouncement</b>	10.01.2024	

**ORDER**

**PER KUL BHARAT, JM:**

This appeal, by the Revenue, is directed against the order of the learned Commissioner of Income-tax (Appeals)-2, Faridabad, dated 30.06.2014, pertaining to the assessment year 2009-10. The Revenue has raised following grounds of appeal:

*“i) On the facts and circumstances of the case, The Ld. CIT(A) has erred on facts and in law in deleting the addition of Rs. 28,05,385/-made by the Assessing Officer on account of expenses on fixed asset not utilized for business purposes ignoring positive evidence found during the course of limited survey and in the shape of confirmatory statements of Principal officers/partners and arrived at his findings on just one fact that the assessee never claimed the same as deduction.*

*ii) On the facts and circumstances of the case, The Ld. CIT(A) has erred on facts and in law in accepting books of accounts rejected by the Assessing Officer on account of claim of non business as well as bogus expense disregarding the fact that the assessee had shown numerous bogus expenses which were absolutely not for business purposes.*

*iii) On the facts and circumstances of the case, The Ld. CIT(A) has erred on facts and in law deleting the addition of Rs. 45,16,815/- made by the Assessing Officer on account of fall in G.P. Rate on the fact that the books results was found defective and unreliable.*

*iv) On the facts and circumstances of the case, the Ld. CIT(A) has erred on facts and in law in deleting the addition of Rs. 4,61,873/- made by the Assessing Officer on account of interest expenditure against the funds which were not utilized for the purpose of business.*

*v) That the appellant craves for the permission to add, delete or amend the grounds of appeal before or at the time of hearing of appeal.”*

2. At the outset, learned counsel for the assessee submitted that the tax effect involved in the grounds raised by the Revenue is less than Rs. 50,00,000/- and therefore, the Revenue's appeal is not maintainable in view of the CBDT Circular No. 17/2019 dated 8<sup>th</sup> August, 2019, revising the monetary limit for filing of the departmental appeals to the ITAT at Rs. 50 lakhs.

4. The learned Sr. DR could not dispute the aforesaid factual position that the tax effect involved in the instant appeal is less than Rs. 50 lakhs.

5. In view of the above factual position, the tax effect involved in the appeal being less than Rs. 50 lakhs, we deem it proper to dismiss the appeal of the Revenue in the light of the CBDT Circular No. 17/2019 dated 8<sup>th</sup> August, 2019, as not maintainable. However, if on a later date, the Revenue finds that the tax effect in dispute in the aforesaid appeal is

more than the limit prescribed or it is protected by any of the exceptions provided in the CBDT Circular, it shall be at liberty to approach the Tribunal for recall of the order and reinstatement of the appeal for adjudication on merits. The Tribunal shall consider such application, as per the extant law.

6. In the result, the Revenue's appeal stands dismissed.

Order pronounced in open court on 10<sup>th</sup> January, 2024.

**Sd/-**  
**(PRADIP KUMAR KEDIA)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(KUL BHARAT)**  
**JUDICIAL MEMBER**

**\*MP\***

Copy forwarded to:

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

**ASSISTANT REGISTRAR**  
**ITAT, NEW DELHI**