

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "B" NEW DELHI**

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER  
AND  
SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER**

**आ.अ.सं./I.T.A No.3429/Del/2023  
निर्धारणवर्ष/Assessment Year:2012-13**

DCIT Central Circle-15, Room No.245, 2 <sup>nd</sup> Floor, E-2, ARA Centre, Jhandewalan Extension, New Delhi.	<b>बनाम Vs.</b>	<b>DMG Finance Investment P. Ltd. Flat No.1, First Floor, Dakshineshwar, 10 Hailey Road, New Delhi.</b>
		<b>PAN No. AAACD3459K</b>
<b>अपीलार्थी Appellant</b>		<b>प्रत्यर्थी/Respondent</b>

<b>Revenue by</b>	<b>Shri T. James Singson, CIT DR</b>
<b>Assessee by</b>	<b>Ms. Aushi Bharti, CA</b>

सुनवाईकीतारीख/ Date of hearing:	20.02.2024
उद्घोषणाकीतारीख/ Pronouncement on	20.02.2024

**आदेश /O R D E R**

**PER C.N. PRASAD, J.M.**

The appeal is filed by the Revenue against the order of the Ld.CIT(Appeals)-28, New Delhi dated 13.09.2023 for the AY 2012-13.

2. In the appeal the Revenue has challenged the order of the Ld.CIT(A) in deleting the addition of Rs.46,60,400/- made by the Assessing Officer (for short referred as the "AO") on account of

share capital and share premium received by the assessee from M/s Ample Hotel & Resorts Pvt. Ltd.

3. At the time of hearing, the Ld. Counsel for the assessee submits that the Revenue effect in this appeal is less than Rs.50 lakhs and, therefore, in view of Board Circular did not press the Departmental Appeal. The case of the Department would not fall in the exceptions provided in the above Board Circulars. This appeal is not maintainable to which the Ld. DR fairly agreed. The Ld. Counsel for the assessee submitted that the monetary limit fixed by CBDT in its Circular No. 17/2019 dated 08.08.2019 for filing appeal before the Tribunal is Rs.50,00,000/-. The Ld. Counsel for the assessee submitted that the monetary limit fixed by CBDT in its Circular No. 17/2019 dated 08.08.2019 for filing appeal before the Tribunal is Rs.50,00,000/-.

4. We have heard the rival submissions, perused the orders of the authorities below. On perusal of the grounds of appeal of the Revenue we observe that the Revenue is contesting in this appeal the addition of Rs.46,60,400/- deleted by the Ld.CIT(A) and the tax effect is only Rs.15,12,067/-.

5. The tax effect in the Departmental Appeal is less than Rs.50 lakhs. The CBDT Vide Circular No.17/2019 Dated 08.08.2019 amended the earlier Circular No.3/2018 dated 11.07.2018 whereby it has been directed that monetary limit for filing the Departmental appeal in Income Tax Cases may be enhanced further through this amendment in para-3 of the Circular mentioned above and accordingly, the monetary limit for filing the appeal before the Appellate Tribunal have been enhanced to Rs.50 lakhs. Since Circular No.17/2019 Dated 08.08.2019 has been issued to amend its earlier Circular No.3/2018 (supra), therefore, all the conditions of earlier Circular No.3/2018 shall apply accordingly. In view of the Departmental appeal is not maintainable as the appeal is filed against the Board instructions referred to above and, therefore, the appeal of the Department is liable to be dismissed.

Order pronounced in the open court on 20.02.2024

Sd/-  
(SHAMIM YAHYA)  
ACCOUNTANT MEMBER

Sd/-  
(C.N. PRASAD)  
JUDICIAL MEMBER

Dated: 20.02.2024

*\*Kavita Arora, Sr. P.S.*

Copy of order sent to- Assessee/AO/Pr. CIT/ CIT (A)/ ITAT  
(DR)/Guard file of ITAT.

**By order**

**Assistant Registrar, ITAT: Delhi Benches-Delhi**