

**IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH : BANGALORE**

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER
AND
SMT BEENA PILLAI, JUDICIAL MEMBER**

ITA No. 198/PAN/2018
Assessment Year : 2014-15

The Deputy Commissioner of Income Tax, Circle – 2(1), Mangalore.	Vs.	M/s. SCS Hospitals Pvt. Ltd., Door No. 15-03-149, Upper Bendore, Mangalore – 02. PAN: AAHCS2189L
APPELLANT		RESPONDENT

Assessee by	:	Smt. Sheetal Borkar, Advocate
Revenue by	:	Shri Narendra Kumar Naik, Addl. CIT (DR)

Date of Hearing	:	30-04-2024
Date of Pronouncement	:	30-04-2024

ORDER

PER BEENA PILLAI, JUDICIAL MEMBER

Present appeal filed by the revenue arises out of order dated 26/02/2018 passed by the Ld.CIT(A), Mangaluru for A.Y. 2014-15.

2. At the time of hearing, it was brought to the knowledge of the Bench that the tax on disputed amount in this case is below Rs.50 lakhs, therefore covered by CBDT Circular No.17/2019 dt.8.8.2019. We find as per the CBDT Circular No.17/2019 dt.8.8.2019, no appeal shall be filed by the Revenue before the

Tribunal where the tax effect is below Rs.50 lakhs. In the present case, the Assessing Officer has raised tax demand vide order dt. 29/12/2016 for the assessment year under consideration is Rs.1,55,03,390/-.

Tax excluding interest/cess would be approx. Rs.46,00,000/-.

3. The Ld.DR has accepted the low tax effect in this appeal. Further the Circular of the CBDT is applicable to the pending cases. Since, the tax demand raised by the revenue authority is below Rs.50 lakhs in each appeal and the circular is also applicable to the pending appeals. The present appeal is liable to be dismissed on low tax effect.

3.1 Under these set of facts, the revenue is given liberty to move appropriate application for recall of the present order in accordance with the law, if it is subsequently found that the issue contested in the this appeal is covered by any of the exceptions in the CBDT circular. Accordingly, we dismiss the Revenue's appeal on maintainability and low tax effect.

In the result, the appeal filed by the revenue stands dismissed.

Order pronounced in the open court on 30th April, 2024.

Sd/-
(CHANDRA POOJARI)
Accountant Member

Sd/-
(BEENA PILLAI)
Judicial Member

Bangalore,
Dated, the 30th April, 2024.
/MS /

Copy to:

1. Appellant
3. CIT
5. Guard file

2. Respondent
4. DR, ITAT, Bangalore
6. CIT(A)

By order

Assistant Registrar,
ITAT, Bangalore