

IN THE INCOME TAX APPELLATE TRIBUNAL

NAGPUR BENCH, NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND

SHRI K.M. ROY, ACCOUNTANT, MEMBER

ITA no.21/Nag./2023

(Assessment Year : 2018-19)

ITA no.22/Nag./2023

(Assessment Year : 2019-20)

Dy. Commissioner of Income Tax
Central Circle-2(1), Nagpur

..... Appellant

v/s

Unique Realities Builders & Developers
4, Golden Palace Complex, WHC Road
Dharampeth, Nagpur 440 010
PAN - AAPFM1863Q

..... Respondent

Assessee by : Shri Abhishek Kumar

Revenue by : Shri Kailash C. Kanojiya

Date of Hearing - 20/08/2024

Date of Order - 02/09/2024

ORDER

PER V. DURGA RAO, J.M.

These appeals have been filed by the Revenue challenging the impugned orders of even date 14/11/2022, passed by the learned Commissioner of Income Tax (Appeals)-3, Nagpur, [*learned CIT(A)*], for the assessment year 2017-18 and 2018-19.

2. At the outset, the leaned Counsel appearing for the assessee submitted that the tax effect on the amount disputed by the Revenue is below the revised monetary limit of ₹ 50 lakh applicable to appeals before the Tribunal, as per CBDT Circular no.17 of 2019, dt. 08/08/2019. Further, he submitted that none of the exceptions provided in CBDT Circular no.3 of 2018, dt. 11/07/2018 r/w circular F.no.279/Misc./142/2007-ITJ-(Pt) dt. 20/08/2018,

would apply to Revenue's appeal. Thus, the learned Counsel for the assessee submitted that the Revenue's appeals being covered under the aforesaid Circulars are not maintainable.

3. The learned Departmental Representative agreed that the tax effect on the amount disputed by the Revenue is below the monetary limit of ₹ 50 lakh for both the years under consideration.

4. Having heard the arguments of rival parties, perused the material available on record and gone through the orders of the authorities below, we are of the view that the tax effect on the amount disputed by the Revenue in the present appeals are below the revised monetary limit of ₹ 50 lakh as per CBDT Circular no.17/2019, dated 08/08/2019, r/w CBDT Circular no.3/2018, dated 11/07/2018. It also stands clarified by the CBDT that the revised monetary limit of ₹ 50 lakh as per the aforesaid CBDT Circulars would also apply to all pending appeals. In view of the aforesaid, Revenue's appeals deserve to be dismissed. However, the Revenue is given liberty to seek recall of this consolidated order if, at a later point of time, it is found that the appeals fall under any of the exceptions provided in the Circulars referred to above.

5. In the result, appeals filed by the Revenue are dismissed.
Order pronounced in the open Court on 02/09/2024

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

NAGPUR, DATED: 02/09/2024

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Nagpur; and*
- (5) *Guard file.*

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Sr. Private Secretary
ITAT, Nagpur