

आयकर अपीलीय अधिकरण, कोलकाता पीठ "ए", कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH: KOLKATA
श्री राजपाल यादव, उपाध्यक्ष एवं श्री राजेश कुमार, लेखा सदस्य के समक्ष
[Before Shri Rajpal Yadav, Vice-President & Shri Rajesh Kumar, Accountant Member]

I.T.A. No. 1452/Kol/2023
Assessment Year: 2014-15

DCIT, Circle-4(1), Kolkata	Vs.	M/s James Waren Tea Limited (PAN: AADCD 2743 H)
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	08.08.2024
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	08.10.2024
For the Appellant/ निर्धारिती की ओर से	Shri Akkal Dudhwewala, A.R.
For the Respondent/ राजस्व की ओर से	Shri Manoj Kumar Pati, Addl. CIT

ORDER / आदेश

Per Rajesh Kumar, AM:

This is the appeal preferred by the revenue against the order of the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi (hereinafter referred to as the Ld. CIT(A)"] dated 07.07.2023 for AY 2014-15.

2. At the outset, the Ld. Counsel for the assessee submitted that this is an appeal filed by the revenue against the order of First Appellate Authority raising three grounds of appeal. The Ld. A.R further submitted that the issue raised in ground no. 3 is against

the deletion of addition of interest income of Rs. 2,64,69,688/- treated by the AO as income from other sources. The Ld. A.R submitted that the said addition was tax free as the assessee has shown as income from other sources in the return of income whereas the assessee has shown income from business whereas the AO has treated the same as income under head other sources. Therefore, even on the stage of AO, the tax effect was zero. There was no tax implication of the said income being shifted from the head income from business and profession to head income from other sources.

3. The Ld. CIT(A) in the appellate proceedings has restored the issue, the direction as given by the assessee to said income by treating the said income as income from business.

4. The Ld. A.R submitted that issue involved in ground no. 1 is regarding the delay of 1326 days due to non-availability of assessment record whereas ground no. 2 is the deletion of addition of Rs. 24,73,575/- was challenged. Therein tax effect involved in the said appeal was only Rs. 8,40,764/- calculation which has been furnished before us during the course of hearing and is filed in appeal folder.

5. The Ld. D.R on the other hand after having gone through the calculation sheet by counsel of the assessee failed to agree that tax effect involved in this appeal is Rs. 60 lacs. At the outset, the Ld. Counsel for the assessee submitted that the CBDT has issued a Circular No. 9/2024 dated 17.09.2024, whereby the monetary limits for filing of appeal by the Department before Income Tax Appellate Tribunal and High Courts and SLP before Supreme Court have been increased as a measure for reducing Litigation. The revised monetary limits laid down in para-2 of this Circular are as follows:

1. Before Appellate Tribunal	Rs. 60,00,000/-
2. Before High Court	Rs. 2,00,00,000/-
3. Before Supreme Court	Rs. 5,00,00,000/-

6. In the present case, the tax effect by the revenue is less than Rs.60,00,000/-. We note that this appeal had been filed by the revenue on 27.12.2023 and since the tax effect is within the monetary limit for filing appeals before Tribunal, in view of the Circular

of CBDT (supra) at the first place, Revenue should not have preferred this appeal. In view of the above, we hold that the appeal filed by the Department, against the impugned order of the Ld. CIT(A), is contrary to the policy decision of the Department and as such the appeal filed by the Department is dismissed *in limine*.

7. As a matter of caution, we observe that if the Revenue finds at a later point of time that the tax effect in the appeal is more than Rs.60 lakhs or despite low tax effect, the appeal of the revenue is maintainable, the revenue is at liberty to move this Tribunal for recalling of this order.

8. In the result, appeal of the revenue is dismissed.

Order is pronounced in the open court on 8th October, 2024

Sd/-

Sd/-

(Rajpal Yadav /राजपाल यादव)
 Vice-President/उपाध्यक्ष

(Rajesh Kumar/राजेश कुमार)
 Accountant Member/लेखा सदस्य

Dated: 8th October, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- DCIT, Circle-4(1), Kolkata
2. Respondent – M/s James Waren Tea Limited, 12, Aspirations Vintage, Pretoria Street, Kolkata-700071
3. Ld. CIT(A)-NFAC, Delhi
4. Ld. PCIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
 ITAT, Kolkata Benches, Kolkata