

**IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH : BANGALORE**

**BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No.1127/Bang/2024
Assessment Year : 2011-12

DCIT, Circle - 4(3)(1), Bangalore.	Vs.	M/s. Kirloskar Electric Company Ltd., No.5555, Malleshwaram West, Bangalore – 560 055. PAN : AABCK 2721 Q
APPELLANT		RESPONDENT

CO No.27/Bang/2024 (in ITA No. 1127/Bang/2024)
Assessment Year : 2011-12

M/s. Kirloskar Electric Company Ltd., Bangalore – 560 055. PAN : AABCK 2721 Q	Vs.	DCIT, Circle - 4(3)(1), Bangalore.
APPELLANT		RESPONDENT

Assessee by	:	Shri. Sachin Mehta, CA
Department by	:	Ms. Neha Sahay, JCIT(DR)(ITAT), Bangalore.

Date of hearing	:	14.10.2024
Date of Pronouncement	:	14.10.2024

ORDER

Per George George K, Vice President :

This appeal at the instance of the Revenue and the Cross Objection (CO) preferred by the assessee are directed against CIT(A)'s Order dated 19.07.2023 passed under section 250 of the Act. The relevant Assessment Year is 2011-12.

2. At the very outset, the learned AR submitted that appeal by the Revenue is below the monetary limit prescribed by the Board Circular No.9/2024 dated 17.09.2024 for filing the appeal before the Tribunal. The assessee had worked out a tax effect with regard to the appeal filed by the Department which is less than Rs.60,00,000/- prescribed by the Board Circular No.9/2024 (supra).

3. The learned DR, on the other hand, has filed a report from the AO. The AO in report admits that tax effect in this case is below Rs.60,00,000/- and does not come under the exception clause prescribed in Circular No.5/2024 dated 15.03.2024 whereby appeal can be preferred irrespective of the tax effect being below the monetary limit prescribed.

4. We have heard the rival submissions and perused the material on record. Admittedly, in this case, the tax effect in the appeal filed by the Department is Rs.54,69,815/-. The CBDT Circular No.9/2024 dated 17.09.2024 had prescribed a monetary limit / tax effect exceeding Rs.60,00,000/- or above for filing an appeal before the Tribunal. The said Circular No.9/2024 apply to the pending appeals before the Supreme Court / High Court / Tribunal (Refer para 5 of Circular). Since the case of the Revenue does not come under the exception clause mentioned in Circular No.5/2024, we dismiss the appeal of the Revenue. It is ordered accordingly.

CO No.27/Bang/2024

5. The assessee's CO is essentially supporting the Order of the CIT(A). Since we have dismissed the Revenue's appeal, the CO is rendered infructuous and same is dismissed.

6. In the result, the appeal of the Revenue and CO preferred by the assessee are dismissed.

Pronounced in the open court on the date mentioned on the caption page.

Sd/-
(LAXMI PRASAD SAHU)
Accountant Member

Sd/-
(GEORGE GEORGE K)
Vice President

Bangalore,
Dated : 15.10.2024.
/NS/*

Copy to:

1. Appellant 2. Respondent 3. CIT 4. CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar
ITAT, Bangalore.