

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.107/Nag./2020
(Assessment Year : 2014-15)

Asstt. Commissioner of Income Tax
Circle-3, Nagpur

..... Appellant

v/s

Shri Vijay B. Khandelwal
01, Shyam Kuti, B/12, Khandelwal Nagar
Tarsa Road, Kanhan, Taq. Kamptee,
Dist. Nagpur 441 401 PAN – AHSPK1274E

..... Respondent

Assessee by : Shri K.P. Dewani
Revenue by : Shri Abhay Y. Marathe

Date of Hearing – 22/10/2024

Date of Order – 25/10/2024

ORDER

PER BENCH

The assessee has filed this appeal challenging the impugned order dated 14/07/2020, passed by the learned Commissioner of Income Tax (Appeals)-2, Nagpur, [*learned CIT(A)*], for the assessment year 2014-15.

2. In its appeal, the Revenue has raised following grounds:-

"Whether on the facts and in the circumstances of the case the learned CIT(A) was justified in directing addition made by the AO amounting to Rs. 1,22,00,000/- on account of unexplained cash credit u/s 68 in spite of the fact that the assessee could not prove creditworthiness of the creditor M/s ECPL.

2. Whether on facts and in the circumstances of the case the Ld. CIT(A) was justified in deleting the additions made by the AO amounting to Rs. 33,63,445/- on account of disallowances u/s 36(1)(iii) of the Act, in spite of the fact that the assessee has debited an amount of Rs. 33,63,445/- as interest expenses.

3. Any other ground that may be raised during the proceedings.”

3. At the outset, the learned Authorised Representative appearing for the assessee submitted that the tax effect on the amount disputed by the Revenue is below the revised monetary limit of ₹ 60 lakh applicable to appeals before the Tribunal, as per CBDT Circular no.09 of 2024, dated 17/09/2024. Thus, the learned A.R. submitted that the Revenue's appeals being covered under the aforesaid Circular are not maintainable.

4. The learned Departmental Representative agreed that the tax effect on the amount disputed by the Revenue is below the monetary limit of ₹ 60 lakh for both the years under consideration.

5. 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 appeal is below the revised monetary limit of ₹ 60 lakh as per CBDT Circular cited supra. It also stands clarified by the CBDT that the revised monetary limit of ₹ 60 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 order if, at a later point of time, it is found that the appeal fall under any of the exceptions provided in the CBDT Circular referred to above.

6. In the result, appeal filed by the Revenue is dismissed.

Order pronounced in the open Court on 25/10/2024

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

NAGPUR, DATED: 25/10/2024

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