

IN THE INCOME TAX APPELLATE TRIBUNAL “C” BENCH KOLKATA

**BEFORE SHRI SONJOY SARMA, JUDICIAL MEMBER
AND SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER**

**ITA No. 1678/KOL/2024
Assessment Year: 2014-15**

**ITA No. 1679/KOL/2024
Assessment Year: 2015-16**

&

**ITA No. 1680/KOL/2024
Assessment Year: 2016-17**

Deputy Commissioner of Income Tax, Central Circle, 3(2), Kolkata, 110, Shantipally, Aayakar Bhawan, Poorva, Kolkata - 700107	Vs	Bhagwan Das Agarwal, 21, Hemant Basu Sarani, Dalhousie - 700001 (PAN: AFJPA9084Q)
(Appellant)		(Respondent)

Present for:

Appellant by : Devesh Poddar, Advocate

Respondent by : Loviesh Shelly, Addl. CIT, Sr. DR

Date of Hearing : 24.10.2024

Date of Pronouncement : 04.11.2024

ORDER

PER SANJAY AWASTHI, ACCOUNTANT MEMBER:

These appeals filed by the Revenue are against the three separate orders of the Ld. Commissioner of Income Tax, Kolkata-21 [hereinafter referred to as “the Ld. CIT(A)”] passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as “the Act”) for AY 2014-15, dated 29.02.2024, AY 2015-16 dated 07.03.2024, AY 2016-17 dated 13.03.2024 which have been passed against the assessment order u/s 153A/143(3) of the Act dated 31.12.2017.

2. The Revenue has raised the following grounds of appeal in ITA No. 1678/Kol/2024:

- “1 Whether the Ld. CIT(A) has erred in facts and in law by allowing the appeal of the assessee by deleting the addition of Rs. 84,95,100/- made by the AO despite the fact that the AO had established in his assessment order that cash deposits were made by the assessee to the tune of Rs. 50.40 crores and were routed to other entities via banking channels controlled by the assessee.?”
2. The department craves the right to add, alter, amend or withdraw any ground of appeal before or at the time of hearing.”

2.1. The Revenue has raised the following grounds of appeal in ITA No. 1679/Kol/2024:

- “1 Whether the Ld. CIT(A) has erred in facts and in law by allowing the appeal of the assessee by deleting the addition of Rs. 84,95,100/- made by the AO despite the fact that the AO had established in his assessment order that cash deposits were made by the assessee to the tune of Rs. 50.40 crores and were routed to other entities via banking channels controlled by the assessee.?”
2. The department craves the right to add, alter, amend or withdraw any ground of appeal before or at the time of hearing.”

2.2. The Revenue has raised the following grounds of appeal in ITA No. 1680/Kol/2024:

- “1 Whether the Ld. CIT(A) has erred in facts and in law by allowing the appeal of the assessee by deleting the addition of Rs. 84,95,100/- made by the AO despite the fact that the AO had established in his assessment order that cash deposits were made by the assessee to the tune of Rs. 50.40 crores and were routed to other entities via banking channels controlled by the assessee.?”
2. The department craves the right to add, alter, amend or withdraw any ground of appeal before or at the time of hearing.”

3. It is seen, at the outset, that the tax effect on the disputed additions before us is less than Rs. 60 lakhs as prescribed in the CBDT's latest Circular No. 09/2024 dated 17.09.2024 for filing appeals by the Revenue before this Tribunal.

3.1. This circular prescribes that the revised monetary limits shall apply retrospectively to pending appeals as well.

4. The ld. DR has also fairly stated that tax effect involved in appeals are less than the prescribed limit.
5. In view of above stated position, the appeals of the Revenue are dismissed u/s 268A of the Act because of tax effect lower than the prescribed limits as per CBDT Circular No. 09/2024 (supra).
6. In case, at a later stage, it is found that these appeals are indeed covered under 'exceptions' then the department would be at liberty to move the ITAT with an MA for appropriate considerations.
7. In the result, all the appeals filed by the Revenue are dismissed.

Order pronounced in the open court on 4th November, 2024.

Sd/-
(Sonjoy Sarma)
Judicial Member

Sd/-
(Sanjay Awasthi)
Accountant Member

Dated: 04.11.2024
AK, P.S.

Copy to:

1. The Appellant:
2. The Respondent.
3. CIT(A)
4. The CIT,
5. DR, ITAT, Kolkata Bench, Kolkata

//True Copy//

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata