

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'E' NEW DELHI**

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT**

**AND**

**SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

**ITA No.6574 /Del/2013  
Assessment Year: 2010-11**

The Asstt. Commissioner of Income Tax, Central Circle-09, Jhandewalan, New Delhi	<b>Vs.</b>	M/s Nau Nidh Overseas Pvt. Ltd. D-6/13, Vasant Vihar, New Delhi-110067
<b>PAN :AABCN3865G</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

**6627/Del/2013  
Assessment Year: 2011-12**

M/s Nau Nidh Overseas Pvt. Ltd. D-6/13, Vasant Vihar, New Delhi-110067	<b>Vs.</b>	The Asstt. Commissioner of Income Tax, Central Circle-09, Jhandewalan, New Delhi
<b>PAN :AABCN3865G</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	Dr. Rakesh Gupta, Adv. & Sh. Somil Agarwal, Adv.
<b>Revenue by</b>	Ms. Baljeet Kaur, CIT-DR

Date of hearing	<b>11.11.2024</b>
Date of Pronouncement	<b>11.11.2024</b>

**ORDER**

**PER BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

The appeal by the Revenue and the appeal by the assessee are directed against the orders of the Ld. CIT(A)-XXXII, both dated

29.09.2013, pertaining to Assessment Years 2010-11 and 2011-12 respectively.

2. First, we shall take up the appeal of the Revenue in ITA No.6574/Del/2013, pertaining to AY 2010-11.

3. The effective ground no.1 of the appeal is reproduced as under:-

*“The Commissioner of Income Tax (Appeals) erred in law and on facts in deleting the disallowance made by the AO u/s 37 amounting to Rs,1,76,38,084/-.”*

4. At the outset, the Ld. AR submitted a tax effect calculation chart in respect of the disputed demand and submitted that the net tax was Rs.59,95,185/-, which was less than Rs.60 lakhs and the same falls into the category of low tax effect appeals after the enhanced monetary limits of Rs.60 lacs, for which the appeal is to be filed or to be pursued by the Department before this Tribunal, as laid down by the CBDT vide Circular Nos.5/2024 dated 15.03.2024 and 09/2024 dated 17.09.2024. The tax calculation filed by the assessee is reproduced as under:-

<b>In the case of Nau Nidh Overseas Pvt. Ltd.</b>	
<b>In Appeal No.6573/Del/2019</b>	
<b>AY 2010-11</b>	
Addition in dispute	1,76,38,084
Gross Tax @30%	52,91,425
Surcharge @ 10%	5,29,143
Cess @ 30%	1,74,617
<b>Net Tax</b>	<b>59,95,185</b>

5. We have perused the above facts and in view of the above facts, the appeal of the Revenue is dismissed being a low tax effect appeal with a rider that in case the issue falls in the category of exceptions to the low tax effect appeals or if there is any valid reason, the Department shall be entitled for restoration of the appeal.

6. Now, we will take up the appeal of the assessee in ITA No.6627/Del/2013, pertaining to AY 2011-12. At the time of hearing, the ld. Counsel for the assessee submitted that the assessee doesn't want to pursue its appeal. Accordingly, this appeal of the assessee is dismissed as withdrawn.

7. In the result, appeal of the Revenue as well as the appeal of the assessee is dismissed.

Order pronounced in the open court on 11/11/2024.

**Sd/-**  
**(MAHAVIR SINGH)**  
**VICE PRESIDENT**

**Sd/-**  
**(BRAJESH KUMAR SINGH)**  
**ACCOUNTANT MEMBER**

Dated: 11<sup>th</sup> November,2024.

*Shekhar*

Copy forwarded to:

1. Appellant
2. Respondent
3. PCIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi