

**IN THE INCOME TAX APPELLATE TRIBUNAL
“H” BENCH, DELHI**

**BEFORE MS. MADHUMIT ROY, JUDICIAL MEMBER
AND SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

**ITA No.1310 & 1316/Del/2021
(A.Y 2013-14 & 2016-17)**

DCIT, CC-31 Room No. 343, E-2, ARA Centre, Jhandewala Extn New Delhi – 110055	Vs.	M/s SRC Buildtech Pvt. Ltd., Shop No.2/276A, Upper Ground Floor, Masjid Moth, South Extension Part-1 Delhi - 110049
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No.: AAKCS8790G		
Appellant	..	Respondent

**C.O. No.147 & 149/Del/2022
(A.Y 2013-14 & 2016-17)**

M/s SRC Buildtech Pvt. Ltd., Shop No.2/276A, Upper Ground Floor, Masjid Moth, South Extension Part-1 Delhi - 110049	Vs.	DCIT, CC-31 Room No. 343, E-2, ARA Centre, Jhandewala Extn New Delhi – 110055
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No.: AAKCS8790G		
Appellant	..	Respondent

Appellant by :	Sh. Ved Jain, Adv & Sh. Aman Garg, CA
Respondent by :	Sh. Mukesh Kumar Jha, CIT DR
Date of Hearing	04.11.2024
Date of Pronouncement	25.11.2024

ORDER

PER BENCH:

The present appeals filed by the revenue and cross objections filed by the assessee are directed against the order passed by the CIT(A)-30, arising out of the Assessment Order for A.Y. 2013-14 & 2016-17 u/s 153A of the Act.

2. At the outset, learned counsel appearing for the assessee submitted that the tax effect on the amount disputed by the Revenue in the present appeal is below the monetary limit of Rs.60,00,000/-. Hence, appeal is not maintainable.

3. Learned Departmental Representative fairly accepted the aforesaid factual position. However, he submitted, liberty may be granted to Revenue to revive the appeal, in case, subsequently it is found that the tax effect on the amount disputed is more than Rs. 60,00,000/- or the appeal is covered by any of the exceptions provided to the tax effect circular.

4. We have considered the rival submissions and perused the materials on record. After perusing the respective orders of the departmental authorities and the facts mentioned in the memorandum of appeal filed in Form No. 36, we find that the tax effect on the amount disputed by the Revenue in the present appeal is below the monetary limit of Rs.60,00,000/- fixed in CBDT Circular no. 05/2024 dated 15.03.2024 for filing an appeal before the Tribunal. There is nothing on record to suggest that the appeal of Revenue is protected by any of the exceptions to the aforesaid circular. Thus, in our view, the present

appeal is covered under CBDT Circular no. 05/2024 dated 15.03.2024. Accordingly, the appeal is deemed to have been withdrawn, hence, dismissed. However, liberty is granted to the Revenue to seek revival of the appeal is protected under any of the exceptions provided to the Circular noted above.

5. In view of the appeals being dismissed due to low tax effect the Cross Objections in respect of the same appeals is found to be erroneous and hence, dismissed as infructuous.

Order pronounced in the open Court on 25.11.2024

Sd/-
(Brajesh Kumar Singh)
Accountant Member

Sd/-
(Madhumita Roy)
Judicial Member

Date 25.11.2024

Rohit: PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR

ITAT NEW DELHI