

आयकर अपीलीय अधिकरण, कोलकाता पीठ 'सी', कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL "C" BENCH: KOLKATA

श्री राजेश कुमार, लेखा सदस्य एवं श्री प्रदीप कुमार चौबे, न्यायिक सदस्य के समक्ष
[Before Shri Rajesh Kumar, Accountant Member & Shri Pradip Kumar Choubey, Judicial Member]

I.T.A. No. 956/Kol/2024
Assessment Year: 2012-13

ITO, Kolkata	Vs.	Saraswati Conclave Pvt. Ltd. (PAN: AADCD 0603 Q)
Appellant / (अपीलार्थी)		Respondent / (प्रत्यर्थी)

Date of Hearing / सुनवाई की तिथि	10.12.2024
Date of Pronouncement / आदेश उद्घोषणा की तिथि	19.12.2024
For the assessee / निर्धारिती की ओर से	Shri Giridhar Dhelia, Advocate
For the Revenue / राजस्व की ओर से	Shri Raja Sengupta, Sr. DR

ORDER/ आदेश

Per Shri Pradip Kumar Choubey, JM:

This is an appeal preferred by the revenue against the order of the Ld. Commissioner of Income Tax (Appeals)-NFAC, Delhi [hereinafter referred to as ' Ld. CIT(A)'] dated 09.02.2024 for the assessment year 2012-13.

2. At the outset, the Ld. Counsel of the assessee submitted that the CBDT has issued a Circular No. 9/2024 dated 17.09.2024, whereby the monetary limits for filing of appeal

by the Department before Income Tax Appellate Tribunal and High Courts and SLP before Supreme Court have been increased as a measure for reducing Litigation. The revised monetary limits laid down in para-2 of this Circular are as follows:

- | | |
|------------------------------|-------------------|
| 1. Before Appellate Tribunal | Rs. 60,00,000/- |
| 2. Before High Court | Rs. 2,00,00,000/- |
| 3. Before Supreme Court | Rs. 5,00,00,000/- |

3. In the present case, the tax effect by the revenue is less than Rs.60,00,000/-. We note that this appeal had been filed by the revenue on 30.04.2024 and since the tax effect is within the monetary limit for filing appeals before Tribunal, in view of the Circular of CBDT (supra) at the first place, Revenue should not have preferred this appeal. In view of the above, we hold that the appeal filed by the Department, against the impugned order of the Ld. CIT(A), is contrary to the policy decision of the Department and as such the appeal filed by the Department is dismissed *in limine*.

4. As a matter of caution, we observe that if the Revenue finds at a later point of time that the tax effect in the appeal is more than Rs.60 lakhs or despite low tax effect, the appeal of the revenue is maintainable, the revenue is at liberty to move this Tribunal for recalling of this order.

In the result, appeal of the revenue is dismissed.

Order is pronounced in the open court on 19th December, 2024

Sd/-

Sd/-

(Rajesh Kumar/राजेश कुमार)
Accountant Member/लेखा सदस्य

(Pradip Kumar Choubey /प्रदीप कुमार चौबे)
Judicial Member/न्यायिक सदस्य

Dated: 19th December, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- ITO, Kolkata
2. Respondent – Saraswati Conclave Pvt. Ltd. , Block-B, Ground Floor, 8, Lake Town, Kolkata-700089
3. Ld. CIT(A)-NFAC, Delhi
4. PCIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata