

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH, NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRIK.M. ROY, ACCOUNTANT, MEMBER

ITA no.422/Nag./2024
(Assessment Year : 2017-18)

Asstt. Commissioner of Income Tax
Circle-3, Nagpur

..... Appellant

v/s

Swastik Petro Chem (India) Pvt. Ltd.
B-197, B-198, B-198-P, MIDC
Butibori, Nagpur 441 108
PAN - AAHCS2889P

..... Respondent

Assessee by : None
Revenue by : Shri Abhay Y. Marathe

Date of Hearing - 06/01/2025

Date of Order - 27/01/2025

ORDER

PER V. DURGA RAO, J.M.

This appeal by the Revenue is emanating from the impugned order dated 27/05/2024, passed by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, [*learned CIT(A)*], for the assessment year 2017-18.

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

"1. The Order of the Ld. CIT(A) is erroneous in law and in facts without complete appreciation of the facts and circumstances of the case.

2. The Ld. CIT(A) erred in relying on the decision of the Hon'ble High Court of Bombay in the case of Ivan Singh Vs. ACIT which relates to the case of an Individual as the assessee is a Company and the second proviso to Section 68 of the I.T. Act has not been discussed or examined in that case.

3. The Ld. CIT(A) erred in not appreciating that the Hon'ble ITAT, Mumbai is not the jurisdictional tribunal in the case of the assessee and in deleting the addition by wrongly stating that these decisions are binding in the case of the assessee.

4. The Ld. CIT(A) failed to give direction under section 150 of the I.T. Act invoking the plenary powers vested in him for assessing the unexplained share application money in the correct assessment year as the addition was deleted only on the ground of wrong assessment year even though there was no response from the assessee during the assessment proceedings and who failed to furnish the details thereof.

5. Any other ground that may be raised at the time of hearing."

3. During the course of hearing, the learned Departmental Representative agreed that the tax effect on the amount disputed by the Revenue is below the monetary limit of ₹ 60 lakh in the appeal under consideration.

4. None appeared on behalf of the assessee.

5. Having heard the arguments of the learned Departmental Representative, 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 no.F.No.279/Misc./M-74/2024-ITJ, dated 17/09/2024. 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 falls 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 27/01/2025

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

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