

**IN THE INCOME TAX APPELLATE TRIBUNAL  
PATNA “SMC” BENCH, VIRTUAL HEARING AT KOLKATA**

**Before  
SRI SANJAY GARG, JUDICIAL MEMBER**

**I.T.A. No.: 368/PAT/2023  
Assessment Year: 2015-16**

**Income Tax Officer, Ward-6(2), Patna ..... Appellant**

**Vs.**

**Urmila Devi ..... Respondent**  
**M/s. Urmila Timber & Co.**  
**Gandhi Setu Path, Patna-800007.**  
**(PAN: ACOPD4148B)**

**Appearances:**

**Appellant represented by: None**

**Respondent represented by: Shri Ashwani Kumar, Sr. DR**

Date of concluding the hearing : 11.02.2025

Date of pronouncing the order : 11.02.2025

**ORDER**

The captioned appeal has been preferred by the revenue against the order dated 14.08.2023 of the Ld. Commissioner of Income Tax (Appeal), [hereinafter referred to as Ld. ‘CIT(A)'] u/s. 250 of the Income Tax Act, 1961 (hereinafter referred to as the “Act”) for Assessment Year (AY) 2015-16.

2. No one has put in appearance on behalf of the assessee at the time of hearing despite notice, therefore, I proceed to decide the appeal after hearing the Ld. DR.

3. At the outset, it is noticed that the total addition made by the Assessing Officer in this case was of Rs.42,87,074/- on account of capital gains earned by the assessee on execution of Joint Development Agreement. Though the Ld. CIT(A) has deleted the impugned addition observing that section 45A of the Act, which states that the capital gain in respect of specified agreement (Joint Development Agreement) would accrue on the date of completion of the project and not on the date of execution of the agreement. Therefore, he deleted the addition.

4. It is observed that in this revenue's appeal, that the tax effect on the disputed additions is less than Rs. 60 lakh, i.e. the as prescribed minimum amount 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 appeal is less than the prescribed limit.

5. In view of above stated position, the appeal of the Revenue is dismissed u/s 268A of the Act because of low tax effect than the prescribed limits as per CBDT Circular No. 09/2024 (*supra*).

6. In the result, appeal of the revenue is dismissed.

***Order pronounced in the open Court.***

Sd/-

**[Sanjay Garg]**  
Judicial Member

Dated: 11.02.2025

*J.Dey (Sr. P.S.)*

*Copy of the order forwarded to:*

1. **Appellant : ITO, Ward-6(2), Patna**
2. **Respondent : Smt. Urmila Devi**
3. **CIT(A),**
4. **CIT**
5. DR, ITAT, Patna Bench, Patna.
6. Guard File.

*//True copy //*

By order

Assistant Registrar  
ITAT, Patna Benches