

**आयकर अपीलीय अधिकरण, हैदराबाद पीठ**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**Hyderabad ‘ SM/DB-A ‘ Bench, Hyderabad**

**Before Shri Vijay Pal Rao, Vice-President**  
**A N D**  
**Shri Manjunatha, G. Accountant Member**

आ.अपी.सं / **ITA No.534/Hyd/2020**  
(निर्धारण वर्ष/Assessment Year: 2012-13)

ACIT Central Circle 2(2) Hyderabad (Appellant)	Vs.	Rithiwik Projects (P) Ltd Hyderabad PAN: AABCR5748L (Respondent)
निर्धारिती द्वारा/Assessee by:	Shri P Murali Mohan Rao, CA	
राजस्व द्वारा/Revenue by:	Smt. U Mini Chandran, DR	
सुनवाई की तारीख/Date of hearing:	22/04/2025	
घोषणा की तारीख/Pronouncement:	22/04/2025	

**आदेश/ORDER**

**Per Vijay Pal Rao, Vice President**

This appeal by the Revenue is directed against the order dated, 07/07/2020 of the learned CIT (A)-12, Hyderabad for the A.Y. 2012-13.

2. The Revenue has raised the following grounds of appeal:

*“1. The learned CIT (A) erred both in law and on facts of the case.*

*2. The learned CIT (A) erred in holding that the reasons to believe are defective and that the re-assessment proceedings are ab initio void without adjudicating on*

*merits the issue of unexplained investments of Rs.1,71,50,000/-.*

*3. The learned CIT (A) erred in holding that the reasons to believe are based on mere suspicion and not ascertained facts as the Assessing Officer had used the word 'probably' with reference to the source of the sum of Rs.1,71,50,000/- being liquidation of assets.*

*4. The learned CIT (A) ought to have considered the entire facts narrated in the reasons to believe and the fact that the Assessing Officer had categorically recorded that the sum of Rs.1,71,50,000/- credited in the books of M/s. Pushpadent Infrastructures Ltd is not genuine.*

*5. The learned CIT (A) erred in interpreting various judicial decisions and relating them to the facts of the case. The learned CIT (A) ought to have considered that sufficiency of reasons are not open to question in a court of law and that at the time of reopening escapement of income is not required to be established”.*

3. Thus, the total tax effect as per Form-36 is Rs.55,64,318/-. The learned DR as well as the learned AR of the assessee has accepted the fact that the tax effect in this appeal of the Revenue is below the monetary limit of Rs.60 lakhs provided in CBDT Circular No.9/2024 dated 17/09/2024 and therefore, this appeal of the Revenue is not maintainable and liable to be dismissed as withdrawn. We further note that as per para-5 of the CBDT Circular No.9/2024, it is also applicable to the appeals pending on the date of this circular. For ready reference, para 2 and 5 of the circular is reproduced as under:

2. As a step towards management of litigation, it has been decided by the Board to revise the monetary limits for filing of appeals in Income-tax cases as stated in Para 4.1 of the aforementioned Circular as follows:

Sl. No.	Appeals/SLPs in Income-tax matters	Monetary Limit (Tax effect in ₹)
1.	Before Income Tax Appellate Tribunal	60 lakh
2.	Before High Court	2 crore
3.	Before Supreme Court	5 crore

5. The modifications shall come into effect from the date of issue of this Circular. This Circular will apply to SLPs/appeals to be filed henceforth in SC/HCs/Tribunal. It shall also apply to the SLPs/ appeals pending before Supreme Court/High Courts/Tribunal, which may accordingly be withdrawn.

4. Accordingly, this appeal of the Revenue is not maintainable due to the tax effect below the threshold limit provided in Circular No.9/2024 and consequently, the same is dismissed.

5. In the result, appeal of the Revenue is dismissed due to low tax effect.

Order pronounced in the Open Court on the conclusion of hearing i.e. on 22<sup>nd</sup> April, 2025.

Sd/-

Sd/-

<b>(MANJUNATHA, G) ACCOUNTANT MEMBER</b>	<b>(VIJAY PAL RAO) VICE-PRESIDENT</b>
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Hyderabad, dated 22<sup>nd</sup> April, 2025

*Vinodan/sps*

Copy to:

S.No	Addresses
1	Asstt. Commissioner of Income Tax, Central Circle 2(2) Room No.616, 6 <sup>th</sup> Floor, Aayakar Bhavan, Basheerbagh, Hyderabad 500004
2	M/s. Rithwik Projects (P) Ltd, Plot No.37 & 39, Road No.2, Navodaya Colony, Banjara Hills, Hyderabad 500034
3	Pr. CIT – Central, Hyderabad
4	DR, ITAT Hyderabad Benches
5	Guard File

*By Order*