

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ "सी", अहमदाबाद ।
IN THE INCOME TAX APPELLATE TRIBUNAL
" C " BENCH, AHMEDABAD

श्री संजय गर्ग, न्यायिक सदस्य एवं
श्री नरेन्द्र प्रसाद सिन्हा, लेखा सदस्य के समक्ष।

Before Shri Sanjay Garg, Judicial Member And
Shri Narendra Prasad Sinha, Accountant Member

आयकर अपील सं./ITA No.1973/Ahd/2024
निर्धारण वर्ष /Assessment Year : 2016-17

The DCIT Circle-2(1)(1) Ahmedabad - 380 015	<u>बनाम/</u> <u>v/s.</u>	Navnirman Co-op. Bank Ltd. Navnirman Bhawan Opp. HDFC Bank Ahmedabad City Ahmedabad - 380 009
स्थायी लेखा सं./PAN: AABFN 2975 L		
(अपीलार्थी/ Appellant)		(प्रत्यर्थी/ Respondent)
Assessee by :		Shri Hem Chhajed, AR
Revenue by :		Shri C. Dharani Nath, Sr.DR

सुनवाई की तारीख/Date of Hearing : 13/05/2025
घोषणा की तारीख /Date of Pronouncement: 20/05/2025

आदेश/ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the Revenue against the order of the Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'CIT(A)'] dated 26/09/2024 for Assessment Year (AY) 2016-17.

2. The Revenue has raised the following grounds in this appeal:

1. "Whether on the facts and in the circumstances of the case and in law, the Ld.CIT(A) was justified in deleting the addition of Rs. 32.49,945/-on account

of unexplained credit u/s 68 of the Act., without appreciating the facts of the case?"

2. *"Whether on the facts and in the circumstances of the case and in law, the Id.CIT(A) has erred in ignoring the fact that the assessee has transacted with Jignesh Shah and Sanjay Shah being accommodation entry providers?"*
3. *The appellant craves leave to amend or alter any ground or add a new ground, which may be necessary."*
4. *It is, therefore, prayed that the order of Ld. CIT(A) may be set aside and that of the Assessing Officer be restored?"*

3. Before going to the merit of the cases, the Authorized Representative (AR) for the assessee, at the outset, submitted that tax effect on the disputed total additions is below Rs.60 lakhs, therefore, by virtue of recent CBDT Circular No. 9 of 2024 dated 17.9.2024, Department has been instructed not to file appeal before the Tribunal, where tax effect is below Rs.60 lakhs. This instruction is applicable to the pending cases also. Therefore, the present appeal of the Revenue is liable to be dismissed at the threshold. Per contra, the Departmental Representative (DR) did not dispute applicability of the recent CBDT circular and also tax effect being below Rs.60 lakhs in the assessee case. He, however, left the issue to the Tribunal to pass appropriate order in the matter.

4. After hearing both the sides and after perusal of the above CBDT Instruction, we are of the view that the present appeal of the Revenue falls within the purview of the CBDT Instruction cited (supra). It is not disputed by the Revenue that tax effect on the disputed addition is less than Rs.60 lakhs, and therefore, keeping in view the above CBDT circular and provisions

of section 268A of the Income Tax Act, we are of the view that the present appeal of the Revenue deserves to be dismissed. It is accordingly dismissed. However, it is noted that in case on re-verification at the end of the AO, if it can be demonstrated that the tax effect is more, or Revenue's case falls within the ambit of exceptions provided in the Circular, then the Department will be at liberty to approach the Tribunal for recall of this order. Such application should be filed within the time period prescribed in the Act. In view of the above, the appeal of the Revenue is dismissed due to low tax effect.

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

Order pronounced in the Open Court on 20/05/2025.

**Sd/-
(Narendra Prasad Sinha)
Accountant Member**

**Sd/-
(Sanjay Garg)
Judicial Member**

अहमदाबाद/Ahmedabad, दिनांक/Dated 20/05/2025

टी. सी. नायर, व. नि. स. / T.C. NAIR, Sr. PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)- (NFAC), Delhi
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण , अहमदाबाद/DR, ITAT, Ahmedabad.
6. गार्ड फाईल /Guard file.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण, ITAT, Ahmedabad