

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH, JABALPUR
BEFORE SH. KUL BHARAT, VICE PRESIDENT
AND
SH. NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA No.41/JAB/2019
A.Y. 2015-16

Assistant Commissioner of Income Tax, Circle- Satna	vs.	Shri Pawan Agarwal, Naya Talab Road, Satna
		PAN:ACJPA5377R
(Appellant)		(Respondent)

And
ITA No.43/JAB/2019
A.Y. 2015-16

Assistant Commissioner of Income Tax, Circle- Satna	vs.	Shri Pankaj Agarwal, Naya Talab Road, Satna
		PAN:AFHPA9553J
(Appellant)		(Respondent)

Assessee by:	Sh. Sanjay Nema Adv & Sh. Ashish Goyal, Adv
Revenue by:	Sh. N.M. Prasad, Sr. DR
Date of hearing:	15.09.2025
Date of pronouncement:	16.09.2025

ORDER

PER NIKHIL CHOUDHARY, A.M.

The above captioned appeals by Revenue are taken up together for the sake of convenience and brevity and these appeals are hereby disposed off through this Consolidated Order; because, in these appeals the tax effect is less than the monetary limit fixed by the Central Board of Direct Taxes ("CBDT", for short) in its Circular No. 09/2024 dated 17.09.2024. Grounds taken in these appeals of Revenue are as under:

ITA No.- 41/JAB/2019

“1. On the facts and in the circumstances of the case, the Ld. CIT (A) erred on facts and in law in holding that the appellant did not own any other residential house at the time of purchase of new one to entitle for deduction under sec. 54F of the IT Act, 1961, without appreciating the fact that income from rent receipts has duly been offered to tax as per the computation of income under the head "Income from house property" as per the provisions of section 22 of the IT Act, duly enjoying the benefit of deduction provided U/s. 24 of the Act.

2. On the facts and in the circumstances of the case, the Id. CIT(A) erred in directing allowance of deduction of Rs. 1,88,57,399/- under sec. 54F of the IT Act against gains arising from sale of capital asset, particularly when the assessee did not fulfill the conditions precedent for allowance of such deduction.

3. The appellant craves leave to add, alter or modify any grounds of appeal at the time hearing.”

ITA No.- 43/JAB/2019

“1. On the facts and in the circumstances of the case, the Ld. CIT (A) erred on facts and in law in holding that the appellant did not own any other residential house at the time of purchase of new one to entitle for deduction under sec. 54F of the IT Act, 1961, without appreciating the fact that income from rent receipts has duly been offered to tax as per the computation of income under the head "Income from house property" as per the provisions of section 22 of the IT Act, duly enjoying the benefit of deduction provided U/s. 24 of the Act.

2. On the facts and in the circumstances of the case, the Ld. CIT(A) erred in directing allowance of deduction of Rs. 1,88,57,399/- under sec. 54F of the IT Act against gains arising from sale of capital asset, particularly when the assessee did not fulfill the conditions precedent for allowance of such deduction.

3. The appellant craves leave to add, alter or modify any grounds of appeal at the time hearing.”

2. At the outset, Learned Authorized Representative (“Ld. DR”), for short] brought to our notice, at the time of hearing, that tax effect in each of these appeals is below Rs. 60,00,000/-. The tax effect in ITA No.41/LKW/2019 is Rs.56,94,940/- and the tax effect in ITA No.43/LKW/2019 is Rs. 56,92,180/-, according to the Form 36

filed. The ld. AR pointed out that vide recent CBDT Circular No.09/2024 dated 17.09.2024, minimum threshold limit of tax effect for filing of appeals by Revenue in Income Tax Appellate Tribunal (“ITAT”, for short) has been enhanced to Rs. 60,00,000/-. In a subsequent clarification issued by CBDT vide F.No. 279/Misc/M-74/2024-ITJ, dated 17.09.2024, it has been clarified by CBDT that the aforesaid revised monetary limit is also applicable to all pending appeals in ITAT Having regard to the aforesaid, the Ld. Sr. DR for Revenue did not press the appeals. Therefore, these appeals are dismissed being not pressed and also being not maintainable having regard to aforesaid CBDT Circular No. 09/2024 dated 17.09.2024.

3. Before leaving, we clarify that Revenue will be at liberty to approach Income Tax Appellate Tribunal U/s 254(2) of Income Tax Act, 1961 seeking recall of this order and, for restoration of the appeal(s) if it is found that any appeal(s) of Revenue are/ is not covered by aforesaid CBDT Circulars dated 09/2024 dated 17.09.2024.

4. In the result, both the appeals by Revenue are dismissed.

Order pronounced in the Open Court on 16/09/2025.

Sd/-
[KUL BHARAT]
VICE PRESIDENT
DATED: 16/09/2025
Sh

Sd/-
[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER

Copy forwarded to:

1. Appellant –
2. Respondent –
3. CIT DR , ITAT,
4. CIT,
5. The CIT(A)

By order
Sr. P.S.