



आयकर अपीलीय अधिकरण, राजकोट न्यायपीठ, राजकोट।
**IN THE INCOME TAX APPELLATE TRIBUNAL, "SMC"
RAJKOT BENCH, RAJKOT**

BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER

आयकरअपीलसं./ITA No.124/RJT/2026
निर्धारणवर्ष/Assessment Year: (2020-21)

Income Tax Officer 316, Aaykar Bhawan, Jamnagar Rajkot Highway, Jamnagar Jamnagar-361001	Vs.	Chandrashekhar Sarad Yagnik A1001, Nirman Rejoice, Jagatpur Digvijaynagar PO, GOTA, Ahmedabad, Ahmedabad-382470
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AAHPY1867E		
(Appellant)		(Respondent)

निर्धारिती की ओर से/Assessee by : Shri Kumar Pandya, Ld. AR

राजस्व की ओर से/Revenue by : Shri Dheeraj Kumr Gupta, Ld. Sr-DR

सुनवाई की तारीख/Date of Hearing : 06/02/2026

घोषणा की तारीख/Date of Pronouncement : 06/02/2026

आदेश / O R D E R

Per, Dr. Arjun Lal Saini, AM:

Captioned appeal filed by revenue pertaining to Assessment Year 2020-21, is directed against the order passed under section 250 of the Income Tax Act, 1961 (hereinafter referred to as "the Act") by National Faceless Appeal Centre (NFAC), Delhi/Commissioner of Income-tax (Appeals), dated 07.11.2025, which in turn arises out of a penalty order passed by Assessing Officer u/s. 147 r.w.s. 144 of the Act on 24.01.2025.



2. In this revenue's appeal in ITA No. 124/RJT/2026, I noticed that revenue has raised ground in respect of addition deleted by the Id. CIT(A), which relates to income from other sources at Rs.13,01,711/- on which total tax comes to Rs.5,55,507/-, which comes in the ambit of tax effect of CBDT Circular vide Circular No. 09/2024 dated 17.09.2024.

3. The CBDT has issued Circular No. 09/2024 dated 17.09.2024, whereby the monetary limits for filing of appeals by the Department before Income Tax Appellate Tribunal and High Courts and SLP before Supreme Court have been increased as measure for reducing Litigation. The revised monetary limits laid down in para-2 of this Circular are as follows:

- | | |
|------------------------------|------------------|
| 1. Before Appellate Tribunal | Rs.60,00,000/- |
| 2. Before High Court | Rs.2,00,00,000/- |
| 3. Before Supreme Court | Rs.5,00,00,000/- |

4. In the present case, the tax effect by the revenue is less than Rs.60,00,000/-. Though this appeal had been filed by the revenue on 30/01/2026 and was within the monetary limit in the form of tax effect for filing appeals before Tribunal, in view of the recent Circular of CBDT, even such appeals will be governed by the new monetary limits laid down in the CBDT Circular No.09/2024 referred to above.

5. It is a settled law that the Circulars issued by CBDT are binding on the Revenue. This position was confirmed by the Apex Court in the case of Commissioner of Customs vs. Indian Oil Corporation Ltd. reported in 267 ITR 272 wherein their Lordships examined the earlier decisions of the Apex Court with regard to binding nature of the Circular and laid down that when a circular issued by the Board remains in operation then the Revenue is bound by it and



cannot be allowed to plead that it is not valid or that it is contrary to the terms of the statute. The appeal under consideration has certainly been filed contrary to the Circular issued by the CBDT Circular No.09/2024 dated 17.09.2024.

6. In the event, the Revenue finds at a later point of time that the tax effect in the appeal is more than Rs.60 lakhs or despite low tax effect the appeal of the revenue is maintainable, the revenue is at liberty to move this Tribunal for recalling of this order.

7. In the result, the appeal of the Revenue (in ITA No. 124/RJT/2026 for AY.2020-21) is dismissed.

Order pronounced in the open court on 06/02/2026.

Sd/-
(Dr. Arjun Lal Saini)
लेखा सदस्य/Accountant Member

राजकोट/Rajkot

दिनांक/ Date: 06 /02/2026

Copy of the order forwarded to :

1. The assessee
2. The Respondent
3. CIT
4. The CIT(A)
5. DR, ITAT, RAJKOT
6. Guard File

//True Copy//

By order
Assistant Registrar/Sr. PS/PS
ITAT, Rajkot