

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "F" NEW DELHI
BEFORE SHRI S.V. MEHROTRA : ACCOUNTANT MEMBER
AND
SHRI C.M. GARG: JUDICIAL MEMBER

ITA no. 4980/Del/2012
Asstt. Yr: 2006-07

ACIT, Central Circle-2,
3rd Floor, ARA Centre,
Jhandewalan Extn., New Delhi.

(Appellant)

Vs. Rakesh Kumar Arora,
4/48, Paschim Vihar,
New Delhi.
PAN: AAFPA 7076 H
(Respondent)

Appellant by : Ms. Kesong Y. Sherpa Sr. DR
Assessee by : Shri Anil Jain CA

Date of hearing : 05/05/2016.
Date of order : 09/05/2016.

ORDER

PER S.V. MEHROTRA, A.M:

This is revenue's appeal against the order dated 16.07.2012, passed by the Id. CIT(A)-III, New Delhi in appeal no. 200/09-10, relating to A.Y. 2006-07.

2. Ld. CIT(DR) at the outset submitted that, prima facie, the tax effect involved in the present appeal is less than Rs. 10 lakhs. Therefore, in terms of CBDT Circular No. 21/2015 dated 10.12.2015, stipulating that the departmental appeal, involving tax effect below Rs.10 lakhs, shall not be filed before the ITAT and further that such instruction would apply retrospectively and the pending appeals below the specified tax limit of

Rs.10 lakh may be withdrawn/not pressed, the department may be allowed to withdraw the present appeal, provided that it should not be considered as a precedent in the subsequent years of the acceptance of issues involved in this appeals and, therefore, if in the subsequent year similar issue arises before the ITAT, where the appeal is above the tax limit, as prescribed in the Board's Circular, the same should be decided on merits.

3. After hearing the ld. CIT(DR) the departmental appeal is allowed to be withdrawn in terms of Board's Circular, referred to above.

4. In the result, revenue's appeal stands dismissed, having been withdrawn.

Order pronouncement in open court on 09/05/2016.

Sd/-
(C.M. GARG)
JUDICIAL MEMBER
Dated: 09/05/2016.

Sd/-
(S.V. MEHROTRA)
ACCOUNTANT MEMBER

MP

Copy of order to:

1. Assessee
2. AO
3. CIT
4. CIT(A)
5. DR, ITAT, New Delhi.