

**IN THE INCOME TAX APPELLATE TRIBUNAL,
KOLKATA 'C(SMC)' BENCH, KOLKATA**

Before Shri P.M. Jagtap, Accountant Member

**I.T.A. No. 2281/KOL/ 2016
Assessment Year: 2004-2005**

Deputy Commissioner of Income Tax,.....Appellant
Circle-6(1), Kolkata,
Aayakar Bhawan,
P-7, Chowringhee Square,
Kolkata-700 069

-Vs.-

Shri Kamal Kumar Kothari,.....Respondent
10, Canning Street,
Kolkata-700 001
[PAN: AKYPK 8782 D]

Appearances by:

Md. Ghayas Uddin, JCIT, Sr. D.R., for the Department
Shri Ashish Bajaj, ACA, for the assessee

Date of concluding the hearing : March 28, 2017

Date of pronouncing the order : March 28, 2017

O R D E R

This appeal is preferred by the Revenue against the order of Id. Commissioner of Income Tax (Appeals)-8, Kolkata dated 21.09.2016 and the solitary issued raised therein relates to the deletion by the Id. CIT(Appeals) of the addition of Rs.25,35,000/- made by the Assessing Officer under section 68 of the Income Tax Act, 1961.

2. At the time of hearing fixed today, i.e. on 28.03.2017, the Id. counsel for the assessee, at the outset, has pointed out that the tax effect involved in this appeal of the Revenue is less than the revised monetary limit fixed by the CBDT vide Circular No. 21/2015 dated 10th December, 2015 at Rs.10,00,000/- for filing the appeal by the Revenue before the Tribunal and this position clearly evident from the grounds raised by the Revenue in this appeal is not disputed even by the Id. D.R. In Circular No. 21/2015 (supra) issued by the CBDT, the monetary limit for filing the

appeals by the Revenue before the Tribunal has been increased to Rs.10,00,000/- and as clarified in the said Circular, the said monetary limit is applicable retrospectively even to the appeals pending before the Tribunal. The CBDT has also instructed that such pending appeals below this specified tax limit of Rs.10,00,000/- may be withdrawn/ not pressed. Keeping in view the instruction given by the CBDT vide Circular No. 21/2015 dated 10.12.2015, which is squarely applicable in the present case, the appeal filed by the Revenue in this case is treated as withdrawn/not pressed and dismissed accordingly.

3. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open Court on March 28, 2017.

**Sd/-
(P.M. Jagtap)
Accountant Member**

Kolkata, the 28th day of March, 2017

- Copies to :*
- (1) Deputy Commissioner of Income Tax,
Circle-6(1), Kolkata,
Aayakar Bhawan,
P-7, Chowringhee Square,
Kolkata-700 069**
 - (2) Shri Kamal Kumar Kothari,
10, Canning Street,
Kolkata-700 001**
 - (3) Commissioner of Income Tax (Appeals)-8, Kolkata;**
 - (4) Commissioner of Income Tax- ,**
 - (5) The Departmental Representative**
 - (6) Guard File**

*By order
Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.