

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'A' NEW DELHI**

**BEFORE SMT DIVA SINGH, JUDICIAL MEMBER
AND
SH.PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

**I.T.A .No.-5325/Del/2012
(ASSESSMENT YEAR-2008-09)**

ACIT, Circle-2(1), Room No.398D, C.R.Building, New Delhi (APPELLANT)	vs	Banaras Global Ltd., Flat No.1114, 11 th Floor, New Delhi House, 27, Barakhamba Road, New Delhi-110001.. PAN-AAACB3716B (RESPONDENT)
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Appellant by	Sh.K.K.Jaswal, DR
Respondent by	None

Date of Hearing	21.03.2016
Date of Pronouncement	22 .03.2016

ORDER

PER DIVA SINGH, JM

The present appeal has been filed by the Revenue assailing the correctness of the order dated 24.08.2012 of CIT(A)-XXX, New Delhi pertaining to 2008-09 assessment year on the following grounds: –

1. *“The ld.CIT(A) has erred on facts and in law in deleting the addition of Rs.1220000/- u/s 14A r.w.r. 8D of the IT Rules ignoring the facts that the decision of the Mumbai High Court in the case of CIT vs Godrej and Boyce ruling is applicable in the present case as it pertains to A.Y.2008-09.*
2. *The appellant craves leave for reserving the right to amend, modify, alter, add or forego any ground(s) of appeal at any time before or during the hearing of this appeal.”*

2. No one was present at the time of hearing on behalf of the assessee. Considering the amount at stake for the Revenue, the Ld. DR was required to address Circular No.21/2015 dated 10th December, 2015 of CBDT. Considering the same in the facts on record, the Ld. Sr. DR fairly conceded that the

departmental appeal has been filed wherein the tax effect involved is much less than Rs.10 lakh.

3. We have heard the submissions of the Ld. DR on this issue and perused the material on record. We find that the CBDT vide the aforesaid Circular dated 10.12.2015 has revised the monetary limit to Rs.10 lakh for filing the appeal by the department before Income Tax Appellate Tribunal. Para 3 of the aforesaid Circular has been made applicable vide para 10 retrospectively. Considering the settled legal precedent that the Board's instructions or directions issued to the Income Tax Authorities u/s 268A of the Income Tax Act, 1961 are binding on the authorities, we dismiss the departmental appeal considering the material available on record.

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

The order is pronounced in the open court on 22nd March, 2016.

**Sd/-
(PRASHANTMAHARISHI)
ACCOUNTANT MEMBER**

**Sd/-
(DIVA SINGH)
JUDICIAL MEMBER**

Dated: 22/03/2016

Amit Kumar

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI