

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'C', NEW DELHI**

Before Sh. N. K. Saini, AM And Sh. C. M. Garg, JM

ITA No. 1364/Del/2013 : Asstt. Year : 2007-08

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| Asstt. Commissioner of Income Tax, Central Circle-23, New Delhi | Vs | M/s Gitanjali Promoters (P) Ltd. , M-11, Middle Circle, Connaught Circus, New Delhi-110001 |
| (APPELLANT) | | (RESPONDENT) |
| PAN No. AABCG0237D | | |

ITA No. 1075/Del/2015 : Asstt. Year : 2006-07

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| Dy. Commissioner of Income Tax, Central Circle-32, New Delhi | Vs | M/s Gitanjali Promoters (P) Ltd. , M-11, Middle Circle, Connaught Circus, New Delhi-110001 |
| (APPELLANT) | | (RESPONDENT) |
| PAN No. AABCG0237D | | |

Assessee by : None

Revenue by : Sh. A. K. Saroha, CIT DR

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| Date of Hearing : 16.08.2016 | Date of Pronouncement : 19.08.2016 |
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ORDER

Per N. K. Saini, AM:

These appeals by the department are against the orders dated 24.12.2012 of Id. CIT(A)-XXXIII, New Delhi for the assessment year 2007-08 and dated 21.11.2014 of Id. CIT(A)-XXX, New Delhi for the assessment year 2006-07.

2. Nobody was present on behalf of the assessee neither any adjournment was sought. It is noticed that tax effect in each appeal is less than Rs.10,00,000/-. Therefore, in view

of the CBDT Circular No. 21/2015 dated 10.12.2015, the department ought not to have filed the appeal.

3. We have considered the submissions of the Id. DR and perused the material available on the record. In the present case, it is noticed that the CBDT has issued Circular No.21 of 2015 dated 10.12.2015, vide which it has revised the monetary limit to Rs.10,00,000/- for not filing the appeal before the Tribunal. The relevant portion of the said circular reads as under:

“.....
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3. Henceforth, appeals/ SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder:

| S. No | Appeals in Income-tax matter | Monetary Limit (in Rs) |
|--------------|-------------------------------------|-------------------------------|
| 1 | Before Appellate Tribunal | 10,00,000/- |
| 2 | Before High Court | 20,00,000/- |
| 3 | Before Supreme Court | 25,00,000/- |

It is clarified that an appeal should not be filed merely because the tax effect in a case exceeds the monetary limits prescribed above. Filing of appeal in such cases is to be decided on merits of the case.

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9. The monetary limits specified in para 3 above shall not apply to writ matters and direct tax matters

other than Income tax. Filing of appeals in other Direct tax matters shall continue to be governed by relevant provisions of statute & rules. Further, filing of appeal in cases of Income Tax, where the tax effect is not quantifiable or not involved, such as the case of registration of trusts or institutions under section 12A of the IT Act, 1961, shall not be governed by the limits specified in para 3 above and decision to file appeal in such cases may be taken on merits of a particular case.

10. This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts/ Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn/ not pressed. Appeals before the Supreme Court will be governed by the instructions on this subject, operative at the time when such appeal was filed.”

4. From Clause 10 of the above said circular it is clear that these instructions are applicable to the pending appeals also and as per clause 3, there is clear cut instruction to the department to withdraw or not to press the appeals filed before the ITAT wherein tax effect is less than Rs.10,00,000/-. These instructions are operative retrospectively to the pending appeals.

5. Keeping in view the CBDT Circular No.21 of 2015 dated 10.12.2015 and also the provisions of Section 268A of Income Tax Act, 1961, we are of the view that the Revenue

should not have filed the instant appeals before the Tribunal.

6. In view of the above, without going into merits of the case, the appeals filed by the department are dismissed.

7. In the result, appeals of the department are dismissed.
(Order Pronounced in the Court on 19/08/2016)

Sd/-
(C. M. Garg)
JUDICIAL MEMBER

Dated: 19/08/2016

Subodh

Copy forwarded to:

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

Sd/-
(N. K. Saini)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR