

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

**BEFORE SHRI H.S. SIDHU, JUDICIAL MEMBER  
AND  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

**ITA No. 6093/Del/2013  
Assessment Year: 2010-11**

INCOME TAX OFFICER,  
WARD 15(3), NEW DELHI  
ROOM NO. 206-B,  
CR BUILDING, IP ESTATE,  
NEW DELHI - 2

vs. M/s RENAISSANCE REALCON PVT  
LTD., D-2, KALINDI COLONY,  
NEW DELHI - 65

**(APPELLANT)**

**(PAN: AACDR4160Q)  
(RESPONDENT)**

Appellant by : Sh. Shravan Gotru, Sr. DR  
Respondent by : Dr. Rakesh Gupta, Adv.

**Date of Hearing : 04-04-2016  
Date of Order : 04-04-2016**

**ORDER**

**PER H.S. SIDHU, J.M.**

This appeal by the Department is directed against the Order dated 21.8.2013 of Ld. CIT(A)-XVIII, New Delhi pertaining to assessment year 2010-11 on the following grounds:-

- 1. On the facts and in the circumstances of the case, the Ld. CIT(A) has erred in taking the cost of construction 2 Rs. 70/- per square feet instead of Rs. 511/- per square feet adopted by the AO.*
- 2. On the fact and in the circumstance of the case the Ld. CIT(A) has erred in deleting the addition of Rs. 1,16,340/- made by AO after recording proper reason thereof in the assessment order itself.*
- 3. The appellant craves to be followed to add any fresh grounds of appeal and / or delete of amend any of the grounds of appeal.*

2. We find that Revenue in the Grounds of Appeal before the Tribunal has challenged the deletion of addition of Rs. 1,16,340/- vide ground no. 2, as aforesaid.

3. From the above, we find that the tax effect in the Revenue's Appeal is less than Rs.10,00,000/-, therefore, the Department's Appeal is not maintainable, in view of the Circular No. 21/2015 dated 10<sup>th</sup> December, 2015 issued vide F.No. 279/Misc. 142/2007-ITJ (Pt.) by the CBDT. For the sake of convenience, the relevant para nos. 3 & 10 of the aforesaid CBDT's Circular are reproduced as under:-

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

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

***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.***

***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. It is not in dispute that the Board's instruction or directions issued to the income-tax authorities are binding on those authorities, therefore, the Department should have withdrawn/ not pressed the present Appeal, in view of the aforesaid instructions since the tax effect in the instant Appeal is less than the amount of Rs. 10 lacs, prescribed in the above said CBDT's Instructions.

5. Keeping in view the CBDT Instruction No. 21/2015 dated 10<sup>th</sup> December, 2015, we are of the view that the Revenue should have withdrawn/ not pressed the instant appeal before the Tribunal. We are also of the view that the said Instructions are applicable for the pending appeals and appeals to be filed henceforth in Tribunal. Accordingly, the Revenue's Appeal is dismissed.

6. In the result, Appeal filed by the Revenue Stands dismissed.

Order pronounced in the Open Court on 04/04/2016.

**Sd/-**

**(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER**

**Sd/-**

**(H.S. SIDHU)  
JUDICIAL MEMBER**

Dated: 04/04/2016

**\*SR BHATNAGAR\***

Copy forwarded to: -

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT

TRUE COPY

By Order,

**ASSISTANT REGISTRAR**

