

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

[Before Shri P.M.Jagtap, AM & Shri S.S.Viswanethra Ravi, JM]

ITA No. 1102/Kol/2013 : Assessment Year : 2009-10

DCIT, Circle-4, Kolkata	Vs	M/s. Asiatic Gases Ltd. PAN : AACCA 4768Q
(APPELLANT)		(RESPONDENT)

For the Appellant : Shri Sanjay Mukherjee, JCIT, Sr.DR

For the Respondent : Shri Anil Kochar, Advocate

Date of Hearing : 26.04.2016
Date of Pronouncement : 26.04.2016

ORDER

Per Shri S.S.Viswanethra Ravi, JM

This is an appeal preferred by the Revenue against the order dated 27.02.2013 passed by the CIT(Appeals)-IV, Kolkata in Appeal No.113/CIT(A)-IV/2011-12 for the assessment year 2009-10 framed under section 143(3) of the I.T.Act.

2. As pointed out by the Id. Counsel for the assessee, at the outset, the tax effect involved in these appeal of the Revenue is less than the revised monetary limit recently 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) recently 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 The CBDT has also instructed that such pending appeals below this specified tax limit of Rs.10,00,000/- may be withdrawn/ not pressed.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which is squarely applicable in the present case, the appeal filed by the Revenue in this case is treated as withdrawn/not pressed and dismissed accordingly.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, appeal of the department is dismissed.

Order Pronounced in the Open Court on 26.04.2016

Sd/-

(P.M.Jagtap)
ACCOUNTANT MEMBER

Sd/-

(S.S.Viswanethra Ravi)
JUDICIAL MEMBER

Dated: 26 /04/2016

Talukdar (Sr.PS)

Copy of the order forwarded to:

1. M/s. Asiatic Gases Ltd., 8, B.B.D. Bag, Kolkata – 700 001
2. DCIT , Circle-4, Kolkata.
3. The CIT-I, Kolkata,
4. The CIT(A)-I, Kolkata.
5. DR, Kolkata Benches, Kolkata

True Copy,

By order,

Asst. Registrar, ITAT, Kolkata Benches

