आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.2157/PUN/2017
निर्धारण वर्ष / Assessment Year : 2012-13

The Assistant Commissioner of Income Tax,
Circle – 9, Pune

.......अपीलार्थी / Appellant

बनाम / V/s.

M/s. Jayashree Polymers Pvt. Ltd.,
21/4, D-1 Block, MIDC,
Chinchwad, Pune – 19

PAN : AAACJ4677K

......प्रत्यर्थी / Respondent

Assessee by	:	Ms. Diksha Agarwal
Revenue by	:	Shri Pankaj Garg

सुनवाई की तारीख / Date of Hearing	: 17-09-2019
घोषणा की तारीख / Date of Pronouncement	: 19-09-2019

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the Revenue against the order dated 22-05-2017 passed by the Commissioner of Income Tax (Appeals)-6, Pune for assessment year 2012-13.

2. The Ld. AR, Ms. Diksha Agarwal submitted at the outset that the appeal of Revenue is liable to be dismissed on account of low tax effect in terms of recent CBDT Circular No. 17/2019, dated 08-08-2019. The Ld. AR submitted that the Department in appeal assailing the findings of Commissioner of Income Tax (Appeals) in allowing deduction u/s. 80IA of the Act to an extent of Rs.53,50,487/-.

3. The Ld. DR, Shri Pankaj Garg fairly admitted that in the present appeal by the Department tax effect is less than Rs.50 Lakhs.

4. Heard both parties and perused the materials available on record. The Ld. AR submitted that the Department in appeal has assailing the findings of Commissioner of Income Tax (Appeals) in allowing deduction u/s. 80IA of the Act ignoring the specific provisions of section 80IA(5) of the Act. Undisputedly, the tax effect involved in appeal is less than the monetary limit prescribed by the recent CBDT Circular No. 17/2019, dated 08-08-2019 for filing of appeals before the Tribunal by the Department. The CBDT vide circular dated 08-08-2019 (supra) has amended Para 3 of Circular No. 3 of 2018 dated 11-07-2018 thereby enhancing monetary limit of tax effect from Rs.20 Lakhs to Rs.50 Lakhs for filing of appeals by the Department before the Tribunal. Thus, without going into merit of the issues raised in the appeal, in view of the CBDT Circular (supra) the present appeal of the Revenue is dismissed on account of low tax effect.

5. Before parting, we clarify here that the Revenue shall be at liberty to approach the Tribunal for restoration of appeal, with the requisite material

to show that the appeal is protected by the exceptions prescribed in Para 10 of the Circular dated 11-07-2018 and its amendment dated 20-08-2018.

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

Order pronounced in the open court on 19th September, 2019.

Sd/-	Sd/-
(R.S. Syal)	(S.S. Viswanethra Ravi)
VICE PRESIDENT	JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 19th September, 2019
RK

<u>आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :</u>

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त (अपील) / The CIT(A)-6, Pune
4. The Pr. Commissioner of Income Tax-5, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “बी” बेंच, पुणे / DR, ITAT, “B” Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

निजी सचिव / Private Secretary,
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune