आयकर अपीलीय अधिकरण, पुणे न्यायपीठ "ए" पुणे में
IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "A", PUNE

श्री आर. के. पांडा, लेखा सदस्य एवं श्री विकास अवस्थी, न्यायिक सदस्य के समक्ष
BEFORE SHRI R.K. PANDA, AM AND SHRI VIKAS AWASTHY, JM

Sl. No.	ITA No.	Name of Appellant	Name of Respondent	Asst. Year
1	1569/PN/2014	Dy. CIT, Circle-1, Nashik	Baphana Jewellers Pvt. Ltd., 4, Suyojit Sankul, Sharanpur Road, Tilak Wadi Corner, Nashik-422002 PAN No. AABCB9191P	2010-11
2	1155/PN/2015	ACIT, Circle-10, Pune	Sai Service Station Ltd., Mumbai-Pune Road, Fugewadi, Pune PAN No. AABCS4998M	2008-09
3	1156/PN/2015	ACIT, Circle-10, Pune	Sai Service Station Ltd., Mumbai-Pune Road, Fugewadi, Pune PAN No. AABCS4998M	2009-10
4	292/PN/2015	DCIT, Circle-10, Pune	Sai Service Station Ltd., Mumbai-Pune Road, Fugewadi, Pune PAN No. AABCS4998M	2010-11
5	1611/PN/2015	ACIT, Circle-3, Pune	Shri Abhay Kantilal Shah, Amrut Chambers, 1216/7, Shivaji Nagar, F.C. Road, Pune-411004 PAN No. ACMPS4481K	2007-08
6	930/PN/2015	DCIT, Cirlce-10, Pune	T-3, Energy Services India Pvt. Ltd., D-II/65-1, MIDC, Telco Road, Chinchwad, Pune-411019 PAN No. AACCT9805F	2010-11
7	1116/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	1999-2000
8	1117/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2000-01
9	1118/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2001-02
10	1119/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2002-03

11	1120/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2003-04
12	1121/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2004-05
13	1122/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2005-06
14	1123/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2006-07
15	1124/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2007-08
16	1125/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2008-09
17	1126/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Arish Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5125F	2009-10
18	1105/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	1999-2000
19	1106/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2000-01
20	1107/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2001-02
21	1108/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2002-03
22	1109/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur	2003-04

			PAN No. AAYPB5123D	
23	1110/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2004-05
24	1111/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2005-06
25	1112/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2006-07
26	1113/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2007-08
27	1114/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2008-09
28	1115/PN/2015	ACIT, Ichalkaranji Circle, Ichalkaranji	Smt. Shahanaz Shoukat Bagwan, 6/464, Near Jayshree Sizing, Sangli Road, Ichalkaranji, Kolhapur PAN No. AAYPB5123D	2009-10
29	1237/PN/2015	ACIT, Central Circle, Kolhapur	Shri Danawadi Kutubudddin Shahabuddin, Plot No. 545, 17th Lane, New Maratha Bank, Jaysingpur-416101, PAN No. AIRPD4710D	2003-04
30	263/PN/2015	ITO, Ward-1, Kudal	Shri Krishna Gajanan Kesarkar, A/p. Kalmath, Tal:Kankavali, Sundhudurg-416602 PAN No. ABTPK5317L	2009-10
31	264/PN/2015	ITO, Ward-1, Kudal	Shri Krishna Gajanan Kesarkar, A/p. Kalmath, Tal : Kankavali, Sundhudurg-416602 PAN No. ABTPK5317L	2011-12
32	1298/PN/2015	ITO, Ward-1(1), Nashik	M/s. Ashoka Bridgeways, S. No. 861, Ashoka House, Ashoka Marg, Wadala, Nashik-422011 PIN No. AAOFA2643K	2011-12
33	2277/PN/2014	ITO, Ward-9(1), Pune	Shri Hiraman Nivrutti Bhujbal, Flat No. 7, Lalit Park, Tanaji Nagar, Chinchwad, Pune-411033 PAN No. AAUPB5023C	2008-09

34	2278/PN/2014	ITO, Ward-9(1), Pune	Shri Hiraman Nivrutti Bhujbal, Flat No. 7, Lalit Park, Tanaji Nagar, Chinchwad, Pune-411033 PAN No. AAUPB5023C	2010-11
35	1459/PN/2014	ITO-Ward-3(1), Dhule	Shri Milind Yashwantrao Desale, Barve shopping Center, Garud Baug, Dhule, PAN No. AAKPD2705R	2007-08
36	1379/PN/2014	DCIT, Circle – 8, Pune	M/s. Vaishnavi Associates, A-101, S. No. 252, Sai Grace, Pimpri-Chinchwad Link Road, Chinchwad, Pune-33 PAN No. AAFFV5652E	2009-10
37	1371/PN/2014	ITO, Ward-1(1), Nashik	Dhanlaxmi Gramin Bigersheti Sahakari Patsanstha Limited, Sahakar Bhavan, Naygaon, Tal. Sinnar, Distt.-Nashik PAN No. AAAAD1314P	2010-11
38	1479/PN/2014	ACIT, Ichalkaranji Circle, Ichalkaranji	Kharge Uddhav Shankar (HUF), Prop.: Shri Siddheshwar Agency, 16/568, Sangram Chowk, Ichalkaranji, Tal.: Hatkanangle, Kolhapur PAN No. AAAHU2949G	2009-10
39	1527/PN/2014	ACIT, Central Circle-1, Nashik	Shri Suresh Mahadev, P. No. 6, S. No. 62/4/1, Behind Frank Pinto Colony, Swami Samarth Nagar, Nashik PAN No. AABPW24292K	2011-12
40	1696/PN/2014	ACIT, Circle-1, Kolhapur	M/s. S.S. Builders and Developers, 798 – A-1, Aryash Chambers, Pool Galli, Raviwar Peth, Kolhapur PAN No. ABDFS2718K	2006-07
41	1754/PN/2014	DCIT, Circle-10, Pune	Thermax Ltd., 14, Bombay-Pune Road, Thermax House, Wakdewadi, Pune PAN No. AAACT3910D	1993-94
42	1802/PN/2014	ACIT, Circle-1, Jalgaon	Paradise Polymers Ltd., 4, Lunkad Towers, Near GPO Office, Jilha Peth, Jalgaon PAN No. AABCP3558L	2003-04
43	1877/PN/2014	ITO, Ward-1(2), Nashik	M/s. Niphad Nagar Sahakari Patsanstha Ltd., Ugaon Road, Niphad, Nashik PAN No. AAFFN6079B	2010-11
44	1235/PN/2015	DCIT, Central Circle-1(1), Pune	M/s. Common Wealth Developers Pvt. Ltd., 601, Orbit Plaza, New Prabhadevi Road, Mumbai PAN No. AACCC9426H	2010-11

45	1254/PN/2015	ACIT, Circle-1, Solapur	Shri Balasaheb Mahadev Erande, C/o Hotel Blue Diamond, Miraj Road, A/p. Sangola, Solapur PAN No. AAAPE6324R	2008-09
46	1396/PN/2015	ITO, Ward-1(2), Nashik	Niphad Nagari Sahakari Patsanstha Ltd., 10, Ugaon Road, At Post: Niphad, Nashik-422209 PAN No. AAFFN6079B	2012-13
47	1566/PN/2015	ITO, Ward-1(1), Nashik	M/s. Anand Nagari Sahakari Pat. Maryadit, Near Jain Bhavan, Artillery Center Road, Nashik Road, Nashik-422101 PAN No. AAALA0059M	2012-13
48	1592/PN/2015	ACIT, Cirlce-3, Aurangabad	M/s Yashashree Press Comps Pvt. Ltd., B-48, MIDC Area, Waluj, Aurangabad-431136 PAN No. AAACY0908Q	2011-12
49	30/PN/2015	DCIT, Circle-2, Jalgaon	Bhavarilal H. Jain, C/o Jain Irrigation System, Bambhori, Distt-Jalgaon, Pin - 425001 PAN No. AALPJ3436A	2005-06
50	31/PN/2015	DCIT, Circle-2, Jalgaon	Bhavarilal H. Jain, C/o Jain Irrigation System, Bambhori, Distt-Jalgaon, Pin - 425001 PAN No. AALPJ3436A	2006-07
51	203/PN/2015	ITO, Ward-2, Jalna	M/s. Matoshri Cotex, Mondha, Tq. Partur, Jalna-431501 PAN No. AANFM8490K	2008-09
52	163/PN/2015	DCIT, Circle Dhule	The Nandurbar Merchant Co-op. Bank Ltd., 1030, Kanaiya Smruti, Ghee Bazar, Nandurbar-425412 PAN No. AAAJT1176E	2007-08
53	339/PN/2015	DCIT, Circle-7, Pune	Tranter India Pvt. Ltd., Gat No. 127 & 128, Dhingrajwadi, Taluka : Shirur, Off Pune-Nagar Road, Pune-412208 PAN No. AAFCA4598P	2008-09
54	297/PN/2015	DCIT, Circle-8, Pune	Shri Sayyadhusain Mohamadsami Chaudhary, Flat No. E 201, Mahindra Royal Sterling, CTS No. 6020, Pimpri, Pune-411018 PAN No. ACNPC3430F	2009-10
55	368/PN/2015	ACIT, Circle-1, Jalgaon	Maharashtra Solvent Extraction Pvt. Ltd., C/o S.K. Oil Industries, Shivaji Nagar, Jalgaon-425001 PAN No. AADCM8466G	2011-12

56	581/PN/2015	ITO (Exemption), Ward-1, Nashik	The Evangelical Alliance Ministries, Tutors Bunglow, Sharanpur Road, Nashik-422002 PAN No. AAATT2558E	2010-11
57	212/PN/2015	ITO, Ward-3, Nanded	Shri Sandeep Dhanraj Agarawal, C/o Agrawal Traders, Rukhmini Nagar, Himayatnagar, Tq.-Himayatnagar, Nanded-431710 PAN No. AJZPA5786B	2010-11
58	606/PN/2015	DCIT, Circle-7, Pune	M/s. Subh Mangal Constructions, 326, Ashoka Vijay Complex, 3rd Floor, M.G. Road, Pune-411001 PAN No. AATFS8346L	2007-08
59	607/PN/2015	DCIT, Circle-7, Pune	M/s. Subh Mangal Constructions, 326, Ashoka Vijay Complex, 3rd Floor, M.G. Road, Pune-411001 PAN No. AATFS8346L	2011-12
60	751/PN/2015	DCIT, Circle-2, Pune	Shri Kondiba K. Jadhav, Someshwar Wadi, Tukaram Nagar, Pashan, Pune-411008 PAN No. AGNPJ7682C	2010-11
61	548/PN/2015	ACIT, Circle-2, Kolhapur	Late Suvarnadevi Vikramsinh Aparadh, L/h. Vikramsinh H Aparadh, Pratishka, Nimbalkar Colony, Kolhapur-416002 PAN No. ABDPA5164H	2009-10
62	545/PN/2015	ACIT, Exemption Circle, Aurangabad	Shri Neminath Jain Brahamcharya Ashram, Neminagar, Chandwad, Distt-Nashik-423501 PAN No. AABTS8423J	2006-07
63	1255/PN/2014	ITO, Ward-1(3), Jalna	Shri Sanjay Chandraprakash Agrawal, 18, Ambica Market, Jalna-431203 PAN No. ACOPA8381N	2001-02
64	1248/PN/2014	ITO, Ward-2(3), Aurangabad	Mr. Ramesh Vithalrao Pardeshi, C/o M/s Vijay Multi Services, Omkar Hsg. Society, Plot No. RX-13, Bajaj Nagar, MIDC Waluj, Aurangabad-431133 PAN No. ACEPP8018R	2009-10
65	752/PN/2015	Dy. CIT, Circle-2, Pune	Shri Kailash K. Jadhav, Someshwar Wadi, Tukaram Nagar, Pashan, Pune-411008 PAN No. AGNPJ7683D	2010-11

66	637/PN/2015	ITO, Ward-1(1), Aurangabad	Dekson Casting Pvt. Ltd., R.H. No. 11, Sara Nagar, N-1, CIDCO, Aurangabad-431003 PAN No. AACCD2881P	2010-11
67	549/PN/2015	ACIT, Circle-2, Kolhapur	Smt. Rekhadevi Vikramsinh Aparadh, L/h. Vikramsinh H Aparadh, Pratishka, Nimbalkar Colony, Kolhapur-416002 PAN No. AARPA5359F	2009-10
68	979/PN/2015	ITO, Ward-5, Panvel	M/s. Raj Timber, At: Palaspa Phata, Ahead Welcome Restaurant, Near Chokhi Dhani Hotel, Tal: Panvel, Raigad-410206 PAN No. AAIFR2513B	2009-10
69	1067/PN/2015	DCIT, Circle-1, Jalgaon	Shri Manish Ishwarlal Lalwani (Jain), 169, Balaji Peth, Johari Bazar, Jalgaon-425201 PAN No. AADPL1003H	2009-10
70	1030/PN/2015	ACIT, Central Circle-1, Nashik	Shri Narendra Ramswarup Sakadwipi, Plot No. 15, 'Anand Thikan' Opp Ganpati Mandir, Savarkar Nagar, Anandwali, Gangapur Road, Nashik-422013 PAN No. ARIPS9816R	2010-11
71	2212/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003 PAN No. ABUPP6059P	2005-06
72	2213/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003 PAN No. ABUPP6059P	2006-07
73	2214/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003 PAN No. ABUPP6059P	2007-08
74	2215/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003 PAN No. ABUPP6059P	2008-09
75	2216/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003	2009-10

			PAN No. ABUPP6059P	
76	2217/PN/2014	ACIT, Central Circle, Kolhapur	Shri Balasaheb Bharamgouda Patil, R.S. No. 4112, Patson House, P.B. Road, Shahapur, Belgaum-590003 PAN No. ABUPP6059P	2010-11
77	10/PN/2015	DCIT, Circle-6, Pune	Shri Nitin Madhukar Rathi, Office No. 1, Prestige Point, 283, Shukrawar Peth, Pune-411002 PAN No. AAZPR9199L	2009-10
78	22/PN/2015	ITO, Ward-1(2), Nashik	M/s. Niphad Nagar Sahakari Pathsanstha Ltd., Ugaon Road, Nihpad, Nashik-422303 PAN No. AAFFN6079B	2011-12
79	03/PN/2015	DCIT, Circle-1, Nashik	Zetex Engineers Pvt. Ltd., Gut No. 178/2, Sarul, Viholi, Nashik-422010 PAN No. AAACZ2640L	2011-12
80	2133/PN/2014	ITO, Ward-2(3), Aurangabad	Mr. Mohd. Khalique Osman, Prop. of M/s. Baba Kirana Shop, Near Laxmi Vinayak Colony, Old Baijipura, Aurangabad-431001 PAN No. AJIPM3725D	2009-10
81	2306/PN/2014	ACIT, Central Circle-1(2), Pune	Shri Motilal Hundraj Sadarangani, Multania House, Plot No. 13, Hotgi Road, Near Kinara Hotel, Solapur-413001 PAN No. ACJPS2370J	2011-12
82	1996/PN/2014	ITO, Ward-3(3), Latur	Vishal Vividh Karyakari Seva Sahkari Sanstha Ltd., Main Road, Chakur, Tal.:Chakur, Latur-413513 PAN No. AAATV8052D	2010-11
83	1956/PN/2014	DCIT, Circle-3, Pune	Shri Avinash Constructions, Abil House, 2, Range Hill Corner, Ganeshkhind Road, Pune-411007 PAN No. AAEFA6358H	2010-11

अपीलार्थी की ओर से / Appellant by : Shri Dheeraj Kumar Jain

प्रत्यर्थी की ओर से / Respondent by : Smt. Deepa Khare - Sl. Nos. 1 to 6
: Shri M.K. Kulkarni – Sl.Nos. 07 to 31
: Smt. Sheetal Gadiya – Sl.Nos. 32
: Shri V.L. Jain – Sl.Nos. 33 & 34
: None – Sl. Nos. 35 to 83

सुनवाई की तारीख / Date of Hearing : 23.12.2015		घोषणा की तारीख / Date of Pronouncement: 30.12.2015

आदेश / ORDER

PER BENCH :

The present bunch of appeals filed by the Revenue relating to different assessees are directed against different orders of CIT(A), relating to different assessment years mentioned therein.

2. In all these appeals filed by the Revenue, the preliminary issue raised is the tax effect involved in individual appeals not exceeding Rs.10 lakhs, consequent to the Circular issued by CBDT dated 10.12.2015. In consultation with the Members of Bar and the learned Departmental Representatives for the Revenue, issue / service of individual notices of hearing have been dispensed with and the notices are only through Notice Board, since the tax effect in the above said appeals filed by the Revenue was below Rs.10 lakhs. All the above said appeals involving the preliminary issue were heard together and are being disposed of by this consolidated order for the sake of convenience.

3. The learned Authorized Representatives for the assessees at the outset pointed out that the tax effect in all the appeals is below the limit of Rs.10 lakhs and consequently, the appeals filed by the Revenue are to be dismissed, in view of the CBDT's circular No.21/2015, dated 10.12.2015, where it has been announced that subject to certain instructions, which are not relevant to the present case, no Departmental appeal would be filed against the relief given by the CIT(A) before the Tribunal, unless the tax effect excluding interest exceeds Rs.10 lakhs. It is further provided vide the said circular itself

that the said limit would be applicable not only to all future tax litigations but even to the pending appeals where the tax involved in the appeals does not exceed Rs.10 lakhs and the same shall not be pressed or withdrawn.

4. The learned Departmental Representative for the Revenue fairly agreed to the contentions raised by the learned Authorized Representatives for the assessees. In the appeals filed by the Revenue where none appeared, the learned Departmental Representative for the Revenue fairly conceded that the tax effect in those cases are also below Rs.10 lakhs.

5. We have heard the rival contentions and perused the record. The issue arising in the present bunch of appeals is in relation to the additions, wherein the tax effect in each of the year is less than Rs.10 lakhs. In this background, we have to consider the circular No.21/2015 dated 10.12.2015 of CBDT. The CBDT vide the said circular has announced that subject to certain exceptions, no Departmental appeal would be filed against the relief given by the CIT(A) before the Tribunal, where the tax effect excluding interest does not exceed Rs.10 lakhs. The said instructions are made applicable not only to the future appeals to be filed by the Revenue but even to the pending appeals where the tax involved in each of the appeal does not exceed Rs.10 lakhs, the same are instructed not to be pressed or to be withdrawn by the Revenue. In view thereof, where an appeal is pending before the Tribunal, irrespective of the year to which it relates, the said instructions of the CBDT would be applicable and the appeals of the Revenue pending before the Tribunal where the tax effect is less

than Rs.10 lakhs would become nullity. The relevant extract of the Circular is as under:-

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

S No	*Appeals in Income-tax matters*	*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 <u>on merits</u> of the case.*
>
> *4. For this purpose, "tax effect" means the difference between the tax on the total income assessed and the tax that would have been chargeable had such total income been reduced by the amount of income in respect of the issues against which appeal is intended to be filed (hereinafter referred to as "disputed issues"). However, the tax will not include any interest thereon, except where chargeability of interest itself is in dispute. In case the chargeability of interest is the issue under dispute, the amount of interest shall be the tax effect. In cases where returned loss is reduced or assessed as income, the tax effect would include notional tax on disputed additions. In case of penalty orders, the tax effect will mean quantum of penalty deleted or reduced in the order to be appealed against.*
>
> *5. The Assessing Officer shall calculate the tax effect separately for every assessment year in respect of the disputed issues in the case of every assessment. If, in the case of an assessee, the disputed issues arise in more than one assessment year, appeal, can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issues exceeds the monetary limit specified in para 3. No appeal shall be filed in respect of an assessment year or years in which the tax effect is less than the monetary limit specified in para 3. In other words, henceforth, appeals can be filed only with reference to the tax effect in the relevant assessment year. However, in case of a composite order of any High Court of appellate authority, which involves more than one assessment year and common issues in more than one assessment year, appeal shall be filed in respect of all such assessment years even if the 'tax effect' is less than the prescribed monetary limits in any of the year(s), if it is decided to file appeal in respect of the year(s) in which 'tax effect' exceeds the monetary limit prescribed. In case where a composite order / judgment involves more than one assessee, each assessee shall be dealt with separately."*

6. The CBDT has further clarified that in case the disputed issue arises in more than one assessment year, then the appeal can be filed in respect of such assessment year or years in which the tax effect in respect of the disputed issue exceeds the monetary limit specified in para 3 i.e. Rs.10 lakhs before the Tribunal. It is further directed that henceforth, the appeals can be filed by the Revenue only with reference to the tax effect in the relevant assessment year. However, in case of a composite order of any High Court or Appellate Authority, which involves more than one assessment year and common issues in more than one assessment year, then appeal shall be filed in respect of such assessment year, even if the tax effect is less than the prescribed monetary limits in any of the year(s), if it is decided to file appeal in respect of the year(s) in which 'tax effect' exceeds the monetary limit prescribed. Where a composite order / judgment involves more than one assessee, then each assessee shall be dealt with separately. It is also provided further vide paras 6 and 7 that where the appeal before the Tribunal was not filed only on account of tax effect being less than specified monetary limit, then the Income-tax Department shall not be precluded from filing an appeal against the disputed issues in the case of the same assessee for any other assessment year, or in case of any other assessee for the same or any other assessment year, if the tax effect exceeds the specified monetary limits. The CBDT has further vide para 8 specified the issue which should be contested on merits notwithstanding that the tax effect entailed is less than the monetary limits specified. Further, the specified monetary limits as per para 9 would not apply to writ matters and direct tax matters other than Income tax and also is not applicable to the appeals where tax effect is not quantifiable or not involved, such as the case of registration of trusts or institutions under section 12A of the Act. In such cases, the

decision to file an appeal is to be taken on the merits of a particulars case. The paras 6 to 9 of the circular read as under:-

> *"6. In a case where appeal before a Tribunal or a Court is not filed only on account of the tax effect being less than the monetary limit specified above, the Commissioner of Income-tax shall specifically record that "even though the decision is not acceptable, appeal is not being filed only on the consideration that the tax effect is less than the monetary limit specified in this instruction". In such cases, there will be no presumption that the Income-tax Department has acquiesced in the decision on the disputed issues. The Income-tax Department shall not be precluded from filing an appeal against the disputed issues in the case of the same assessee for any other assessment year, or in the case of any other assessee for the same or any other assessment year, if the tax effect exceeds the specified monetary limits.*
>
> *7. In the past, a number of instances have come to the notice of the Board, whereby an assessee has claimed relief from the Tribunal or the Court only on the ground that the Department has implicitly accepted the decision of the Tribunal or Court in the case of the assessee for any other assessment year or in the case of any other assessee for the same or any other assessment year, by not filing an appeal on the same disputed issues. The Departmental representatives/counsels must make every effort to bring to the notice of the Tribunal or the Court that the appeal in such cases was not filed or not admitted only for the reason of the tax effect being less than the specified monetary limit and, therefore, no inference should be drawn that the decisions rendered therein were acceptable to the Department. Accordingly, they should impress upon the Tribunal or the Court that such cases do not have any precedent value. As the evidence of not filing appeal due to this instruction may have to be produced in courts, the judicial folders in the office of CsIT must be maintained in a systemic manner for easy retrieval.*
>
> *8. Adverse judgments relating to the following issues should be contested on merits notwithstanding that the tax effect entailed is less than the monetary limits specified in para 3 above or there is no tax effect:*
>
> *(a) Where the Constitutional validity of the provisions of an Act or Rule are under challenge, or*
> *(b) Where Board's order, Notification, Instruction or Circular has been held to be illegal or ultra vires, or*
> *(c) Where Revenue Audit object in the case has been accepted by the Department, or*
> *(d) Where the addition relates to undisclosed foreign assets / bank accounts.*
>
> *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."*

7. The retrospective operation of the instructions to pending appeals is provided in para 10 of the circular, which reads as under:-

> *"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."*

8. In view of the above said instructions of CBDT in all the appeals where the tax effect is less than Rs.10 lakhs, the appeals filed by the Revenue, which are pending before the Tribunal are not to be pressed or withdrawn by the Revenue. Since the tax effect in the present appeals filed by the Revenue is admittedly less than Rs.10 lakhs in each case, therefore, in view of the instructions of CBDT and the entirety of facts, we dismiss the appeals filed by the Revenue as not maintainable.

9. In the result, all the appeals of the Revenue are dismissed.

Order pronounced in the open court on 30-12-2015.

Sd/-	Sd/-
(विकास अवस्थी / Vikas Awasthy)	(आर. के. पांडा / R.K. Panda)
न्यायिक सदस्य / JUDICIAL MEMBER	लेखा सदस्य / ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 30th December, 2015
RK

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent
3. The CIT(A)-I, II, III, IV, V, VI, VII, XII, Pune/
   The CIT(A) Central, Pune/
   The CIT(A), Aurangabad/The CIT(A)-I & II, Aurangabad
   The CIT(A), Kolhapur, The CIT(A)-I & II,Kolhapur/
   The CIT(A), Nashik/ The CIT(A)-I, II & III, Nashik/
   The CIT(A)-II, Thane
4. The CIT-I, II, III, IV, V, VI, VII, XII, Pune/
   The CIT Central, Pune/
   The CIT, Aurangabad/The CIT-I & II, Aurangabad
   The CIT, Kolhapur, The CIT-I & II,Kolhapur/
   The CIT, Nashik/ The CIT-I, II & III, Nashik/
   The CIT-II, Thane
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “ए” पुणे / DR, ITAT, “A” Pune;
6. गार्ड फाईल / Guard file.

//True Copy//

आदेशानुसार / BY ORDER,

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