

Case :- INCOME TAX APPEAL No. - 303 of 2017

Appellant :- Principal Commissioner Of Income Tax Meerut

Respondent :- M/S Girnar Textiles

Counsel for Appellant :- Manu Ghildyal

Counsel for Respondent :- Pratik Chandra, Saubhagya Agarwal

Hon'ble Bharati Sapru, J.

Hon'ble Piyush Agrawal, J.

(Delivered by Hon'ble Piyush Agrawal, J.)

Present appeal has been filed under Section 260-A of the Income tax Act, 1961 (hereinafter referred to as the Act) against the judgment and order dated 23.3.2017 in ITA No. 4334/Del/2015 (Assessment Year 2008-09) passed by the Income Tax Appellate Tribunal, Delhi Bench "E" New Delhi. The appeal has been admitted on the following substantial question of law:

"Whether the Ld. ITAT was correct in law in confirming the order of CIT (A) wherein the consequential order passed by the AO u/s 143(3)/263 was deleted on the ground that order passed u/s 263 has already been set aside and no material was placed on record to demonstrate the Tribunals' order setting aside the revisional order has been modified or reversed by in any manner by the Hon'ble High Court overlooking the fact that appeal of revenue has been admitted before the Hon'ble High Court, Allahabad against the order dated 30.3.2015 of the ITAT?"

We have heard Sri Manu Ghildiyal, learned counsel for the Revenue and Ms. Saubhagya Agarwal, learned counsel appearing for the respondent assessee.

A preliminary objection has been raised by the counsel for the respondent about the maintainability of the appeal in view of the Circular No. 3 of 2018 of F.No. 279/Misc.142/2007-ITJ(Pt), Government of India, Ministry of Finance, Department of

Revenue, Central Board of Direct Taxes dated 11.7.2018.

On perusal of the record it revealed that the present appeal has been filed only assailing the deletion of Rs. 41,12,950/-.

In view of the aforesaid fact that the amount of Rs. 41,12,950/- is much below the monetary limit prescribed in the aforementioned Circular, hence the present appeal is not maintainable. The appeal is liable to be dismissed in view of the Circular No.3 of 2018 dated 11.7.2018.

The appeal fails and is dismissed.

Order Date :- 11.3.2019

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