HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

I.T.T.A.No.251 of 2016

Judgment:

Aggrieved by the dismissal of two appeals filed by the Revenue, solely on the basis of CBDT Instruction No.5 of 2014, dated 10-7-2014, relating to the monetary effect, the Revenue has come up with the present appeal under Section 260A of the Income Tax Act, 1961.

2. Heard Mr. J.V. Prasad, learned Senior Standing Counsel for the Income Tax Department.

3. Irrespective of whether the Tribunal was right or wrong, the case on hand is covered by Circular No.21/2015, dated 10-12-2015. The case does not fall under any of the Clauses (a) to (d) of para 8 of the said Circular.

4. Though a valiant attempt was made by the learned Senior Standing Counsel for the Department, to bring the case within the ambit of para 8(c), we do not think that the same is correct.
The Revenue audit objection, has not so far been accepted by the Department. In ground No.5 of the present appeal, the Department has tacitly conceded this fact, but contended that remedial action may be taken under Section 263 of the Income Tax Act. It means that the audit objection has not so far been accepted. The monetary effect of the present appeal is less than Rs.20 lakhs. The case does not fall under Para 8(c) or under any other Clauses of para 8 of Circular No.21/2015.

5. Therefore, the appeal is dismissed. However, the questions of law arising in the main proceedings are left for consideration in appropriate case. The miscellaneous petitions, if any, pending in this appeal shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ANIS, J.

19th July, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE MRS JUSTICE ANIS

I.T.T.A.No.251 of 2016

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19th July, 2016.

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