IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(1) ITA NO.187 OF 2016 (O&M),
(2) ITA No.172/2016 (O&M) and
(3)ITA No.165/2016 (O&M)

Date of Decision: 30/10/2020

COMMISSIONER OF INCOME TAX (EXEMPTIONS), CHANDIGARH
.... Appellant

Versus

M/S INDO SOVIET FRIENDSHIP COLLEGE OF PHARMACY

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. S.K.Mukhi Advocate for the Applicant /Respondents

JASWANT SINGH, J.(ORAL)

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

This order shall dispose of aforesaid three appeals as the same involve identical facts and circumstances.

In the present appeals filed by Revenue challenge is to common order dated 28/09/2015 (Annexure A-3) vide which Income Tax Appellate Tribunal,Chandigarh allowed Income Tax Appeal No. 444,445,478/ CHD/2013 pertaining to the assesment years 2006-07, 2007-08 and 2008-09 filed by the Respondent – Assessee and set-aside the additions made by the Assessing Officer in the income of the Assessee as under :

Assesment year 2006-07 (ITA 444/2013) Rs.5 Lacs.

Assesment year 2007-08 (ITA 445/2013) Rs.8 Lacs.

Assesment year 2008-09 (ITA 478/2013) Rs.91.40 Lacs

Aggreived against the said common order dated 28/09/2015 (Annexure A-3) the Revenue has filed three appeals bearing ITA nos. 165/2016, 172/2016 and 187/2016 which are pending adjudication.

Now Respondent Assessee has filed two sets of appplications in all these appeals, i.e., one is for placing on record circular and notifications as Annexure R-1 to R-3 showing that Ministry of Finance, Department of Revenue, Central Board Direct Taxes vide these Circulars has raised the Monetary Limit for filing appeals by Revenue before different fora, whereas in the other applications the prayer is for dismissal of the aforesaid appeals in view of Annexure R-1 to R-3.

Notice of the applications to Sh.Denesh Goyal,Advocate for the appellant/ Revenue.

Mr.Goyal, in view of Annexures R-1 to R-3, fairely concedes that the monetary limit involved in the aforesaid appeals is below the revised limit, as fixed by the Ministry of Revenue, for filing said appeals before this Court and hence the aforesaid applications are liable to be accepted and appeals dismissed. Besides, he has also sent through email copy of letter dated 29.10.2020 of Govt. of India, Income Tax Department, concerning these three appeals. Copy of the the said letter is taken on record. It is stated therein that revised monetary limits so mentioned in Circular 17/2019 is applicable, to all pending SLPs/Appeals/ cross objections/ references.

A perusal of Circular No.17/2019, placed on record by way of application Annexure R/2 shows that the limit for filing appeals before this Court is Rs.1 crore. As noticed above, the monetary limit involved in the aforesaid three appeals is much below the prescribed limit of Rs.1 crore.

In view of the above factual position, ITA Nos. 187, 172 and 165 of 2016, on the oral request of the counsel for the parties are preponed and taken up for hearing today itself.

For the reasons stated above, CM Nos.9369 and 9375-CII/2020 in ITA No.187/2016, CM Nos. 9377 and 9378-CII/2020 in ITA No.172/2016 and CM Nos.9370 and 9374-CII/2020 in ITA No.165/2016 are accepted and the aforesaid appeals are dismissed as withdrawn.

A copy of this order be placed on the files of connected cases.

(JASWANT SINGH)
JUDGE

October 30,2020. **(SANT PARKASH)**
Joshi **JUDGE**

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*