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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 127/2021

PR. COMMISSIONER OF INCOME TAX 7 ..... Appellant

Through: Mr. Sanjeev Menon, Adv. for Mr. Zoheb Hossain, SSC.

versus

M/S P. MITTAL MANUFACTURING PVT. LTD.

..... Respondent

Through: Mr. Mahir Aggarwal, Adv.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **13.02.2024**

1. The orders earlier passed in this appeal would indicate that the question of its maintainability came to be raised in the context of Circular No. 3 of 2018 of the Central Board of Direct Taxes dated 11 August 2018 as amended on 20 August 2018.

2. Undisputedly, the tax effect in the instant appeal falls below the minimum threshold as prescribed. The Revenue at that stage had sought to place the appeal under Clause 10(e) of the exceptions to the aforenoted pecuniary restrictions contending that in the instant case, the matter had proceeded on the basis of a report of the Serious Fraud Investigation Office [**"SFIO"**].

3. However, Mr. Menon, learned counsel, representing the appellant, in all fairness, submits that having gone through the said report, it is evident that the present transaction does not form part thereof. Additionally, we are informed that even the assessment order does not refer to any SFIO report.

4. In view of the aforesaid, we dismiss the appeal on the ground of tax effect.

YASHWANT VARMA, J.

PURUSHAINDRA KUMAR KAURAV, J.

FEBRUARY 13, 2024/neha