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

\+ ITA 175/2024

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL - 1 .....Appellant

Through: Mr. Aseem Chawla, SSC with Ms. Pratishtha Chaudhary, Advocate.

versus

VIKRAM DHIRANI .....Respondent

Through: Mr. Ruchesh Sinha and Mr. Ravi Gupta, Advocates.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **18.10.2024**

1. We take note of the undisputed position of the tax effect as disclosed being below INR 2,00,00,000/-.

2. Although Mr. Chawla, learned counsel appearing for the appellant, had sought to place the appeal in the exceptions specified in paragraph 3.1 of the Central Board of Direct Taxes Circular No. 5/2024 dated 15 March 2024 and more particularly clause (c) thereof, we find the same pertains to additions relating to undisclosed foreign income, assets or bank accounts. Admittedly, the present appeal stands confined to the issue of penalty under Section 271AAA of the Income Tax Act, 1961 [‘**Act**’] and is not concerned with any additions spoken of in clause (c) of that notification.

3. In view of the aforesaid, the appeal shall stand dismissed on the

ground of low tax effect. The question of law is kept open.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 18, 2024/*vp*