

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH : E : NEW DELHI

BEFORE SHRI I.P. BANSAL, JUDICIAL MEMBER
AND
SHRI K.G. BANSAL, ACCOUNTANT MEMBER

ITA No.4899/Del/2009
Assessment Year : 2001-02

ITO,
Ward 6 (2),
Room No.185,
CR Building,
New Delhi.

Vs. Marshall Castings Pvt. Ltd.,
1568 A, Sachdeva Place Building,
M-113, Bhagirath Place,
Chandni Chowk,
New Delhi.

PAN : AAACM6370Q

(Appellant)

(Respondent)

Assessee by : Shri Manpreet Singh Kapoor, CA
Revenue by : Shri R.S. Negi, Sr.DR

ORDER

PER I.P. BANSAL, JUDICIAL MEMBER

This is an appeal filed by the revenue. It is directed against the order passed by the CIT (A) dated 14th October, 2009 for assessment year 2001-02. Grounds of appeal read as under:-

1. The order of the Learned CIT (A) is erroneous & contrary to facts & law.

2. On the facts and circumstances of the case and in law the Ld. CIT (A) has deleting the addition of Rs.5,40,600/- made by the A.O. u/s 68 being the unexplained cash credits.

2.1 The Ld. CIT (A) ignored the fact that the assessee did not discharge the onus of proving the credit worthiness of the creditors and genuineness of the transactions.

2.2 The Ld. CIT (A) has accepted the additional evidence under Rule 46A of the IT Rules without providing

opportunity to the A.O.

3. The appellant craves leave to add, to alter or amend any grounds of the appeal raised above at the time of hearing..

2. At the outset, it was pointed out by the learned AR that the tax effect in the present case is less than ₹ 3 lac. He has produced before us the demand notice according to which the total tax has been computed at ₹ 2,12,781/-. The learned DR could not controvert the quantum of tax effect. According to the recent instruction No.3/2011 of 9th February, 2011 issued by the CBDT, monetary limit for filing the appeal in income-tax matters before the Tribunal has been fixed at ₹ 3 lac. These instructions have been held to be applicable to all pending appeals by the jurisdictional High Court in the decisions in the cases:

- (i) CIT vs. M/s P.S. Jain & Co. in ITA No.179/1991, order dated 2nd August, 2010.
- (ii) CIT vs. Delhi Race Club in ITA No.128/2008, order dated 3rd March, 2011.

3. In this view of the situation, the tax effect of the appeal filed by the revenue being below the monetary limit fixed by the aforementioned Circular, the appeal is unadmitted and is dismissed in limine.

4. In the result, the appeal filed by the Department is dismissed.

The order pronounced in the open court on 22.03.2012.

Sd-
[K.G. BANSAL]
ACCOUNTANT MEMBER

Sd/-
[I.P. BANSAL]
JUDICIAL MEMBER

Dated, 23.03.2011.

dk

Copy forwarded to: -

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT

TRUE COPY

By Order,

Deputy Registrar,
ITAT, Delhi Benches