

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI
BENCH 'B', NEW DELHI**

**BEFORE SH. ANIL CHATURVEDI, ACCOUNTANT MEMBER
AND SH. KULDIP SINGH, JUDICIAL MEMBER**

(THROUGH VIDEO CONFERENCING)

ITA No. 3123/Del/2018
(Assessment Year : 2013-14)

ACIT Special Range-9, New Delhi PAN No. AABCT 1559 M (APPELLANT)	Vs.	Times Internet Ltd. 10, Daryaganj, New Delhi (RESPONDENT)
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Assessee by	Shri Mukesh Gupta, C.A. Ms. Neha Gupta, C.A.
Revenue by	Shri Mahesh Thakur, Sr. D.R.

Date of hearing:	28.07.2021
Date of Pronouncement:	28.07.2021

ORDER

PER ANIL CHATURVEDI, AM:

This appeal filed by the Revenue is directed against the order dated 29.01.2018 passed by the Commissioner of Income Tax (Appeals)-16, New Delhi relating to Assessment Year 2013-14.

2. Revenue has raised the following grounds of appeals:
 1. *"The Ld. CIT (A) has erred on the facts and circumstances of the case in not appreciating the fact that AO made the disallowance in accordance with sec. 14A r.w.r 8D of the I.T Act only.*
 2. *The Ld. CIT (A) has erred on the facts and circumstances of the case by deleting the addition made by the AO on account of*

disallowance of expenses on account of sale of content.

3. *The Ld. CIT (A) has erred on the facts and circumstances of the case by deleting the addition made by the AO on account of software expenses.*
4. *The Ld. CIT (A) has erred on the facts and circumstances of the case by deleting the addition made by the AO on account of depreciation claim of software.*
5. *The Ld. CIT (A) has erred on the facts and circumstances of the case by partly allowing the addition made by the AO on account of consultancy expenses of legal and professional expenses.”*

3. Before us, at the outset, Ld. A.R. submitted that in the impugned appeal of Revenue, the tax involved is less than the monetary limit of Rs.50 lakh and therefore, the appeal is not maintainable. Learned DR did not controvert the submissions made by Learned AR.

4. We have heard the rival parties and perused the material on record. On perusing the grounds of appeal raised by the Revenue, we find that Revenue is aggrieved by the order of Learned CIT(A) in respect of the relief given by him. We find that CBDT vide Circular No. 3/2018 dated 11.07.2018 had increased the limit for filing appeal before ITAT at Rs. 20 lakhs. The limit for filing appeals before ITAT and other authorities were enhanced by CBDT vide Circular No.17 of 2019 dated 08.08.2019. As per the aforesaid CBDT Circular dated 08.08.2019, no Department appeals are to be filed against relief given by the Learned CIT(A) before the Income Tax Appellate Tribunal unless the tax effect, excluding interest, exceeds Rs.50 lakhs. We find that in the present case, the tax effect involved is less than Rs.50 lakhs. In

the absence of any material placed on record by the Revenue to demonstrate that the issue in the present appeal is covered by exceptions provided in para 10 of the aforesaid CDBT Circular of 11.07.2018, we are of the view that the monetary limit prescribed by the instructions of the CDBT Circular dated 08.08.2019 would be applicable to the present appeal of the Department. We therefore hold the present appeal of Revenue to be not maintainable on account of low tax effect. However, in case there is any error in the computation of the tax effect involved or if for any reason, the aforesaid CDBT Circular is not applicable, it would be open to the Revenue to seek revival of the appeal. **Thus the appeal of the Revenue is dismissed.**

5. **In the result, the appeal of Revenue is dismissed.**

Order pronounced in the open court on 28.07.2021, immediately after conclusion of the hearing of the matter in virtual mode.

Sd/-

**(KULDIP SINGH)
JUDICIAL MEMBER**

Sd/-

**(ANIL CHATURVEDI)
ACCOUNTANT MEMBER**

Date:- 28.07.2021

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Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI