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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ITA 62/2025 & CM APPL. 14156/2025, CM APPL. 14157/2025
THE COMMISSIONER OF INCOME TAX - INTERNATIONAL
TAXATION -1Appellant

Through: Mr. Ruchir Bhatia, SSC with Mr.
Anant Mann, JSC and Mr. Pratyaksh
Gupta, JSC

versus

ARES DIVERSIFIEDRespondent
Through: None Appeared

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
10.03.2025

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1. The Revenue has filed the present appeal under section 260A of the Income Tax Act, 1961 (hereinafter referred to as "*the Act*") impugning the order dated 24.06.2023 passed by the learned Income Tax Appellate Tribunal (hereinafter referred to as the "*ITAT*") in ITA No. 2370, 2371 & 2372/Del/2023 for the assessment years (AYs) 2013-14, 2014-15 & 2015-16.
2. At the outset, the learned counsel appearing for the appellant states that the tax effect involved in the present appeal is Rs. 1,14,74,797/- which is below the threshold limit of ₹2,00,00,000/- as stipulated in the Circular dated 17.09.2024. He however submits that the present appeal falls under



the exception carved out in clause (f) of para 3.1 of the CBDT Circular No.5/2024 dated 15.03.2024. Learned counsel also referred to the issue on merits too.

3. We have heard the learned counsel for the appellant, perused the impugned order and para 3.1 (f) the Circular No.5/2024 dated 15.03.2024 handed over the bench.

4. Undoubtedly, the Assessment Officer had passed the Assessment Order dated 29.06.2023 quantifying the tax effect in the present case. Whereas, clause (f) of para 3.1 of the aforesaid Circular No.5/2024 dated 15.03.2024 carves out exemption where either the tax effect is not quantifiable or not involved. Concededly, the tax effect involved in this case is Rs.1,14,74,797/-.

5. Therefore, the tax effect quantified being below the threshold fixed by the said Circular dated 17.09.2024, the present appeal of the Revenue is not maintainable.

6. Accordingly, the present appeal is dismissed on account of low tax effect, alongwith all the pending application.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 10, 2025/rl