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

\+ ITA 510/2025

PR. COMMISSIONER OF INCOME TAX -15 .....Appellant

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

versus

NEETU NAYYAR .....Respondent

Through: Mr. Sumit Lalchandani, Ms. Sakshi Rustogi and Mr. Shivam Yadav, Advs.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 07.05.2026

1. Mr. Sumit Lalchandani, learned counsel for the respondent at the outset submitted that since the tax effect even as per the appellant is Rs.1,72,42,755/- (below the prescribed limit) the Department is supposed to withdraw the appeal, as it has been filed before the date of circular No. 5/2024.

2. At this juncture, Mr. Anant Mann, learned Junior Standing Counsel for the Income Tax Department asserts that the case falls within the exception provided in para No.3.1(g) of the CBDT circular No. 5/2024 dated 15.03.2024 and CBDT circular No. 9/2024 dated 17.09.2024 because it relates to an addition on account of undisclosed foreign assets.

3. On *prima facie* appraisal of the averments made in the appeal, we find

that the tax effect is below the limit as prescribed by the CBDT vide its circular Nos. 5/2024 and 9/2024.

4. However as per the appellant, the case falls within the exception.

5. With a view to avoid further confusion about the applicability of circulars regarding tax effect, and in order to give complete effect to the Circular Nos. 5/2024 and 9/2024, we hereby direct that henceforth, while filing an appeals against order(s) of the Income Tax Appellate Tribunal (*hereinafter referred to as 'the Tribunal'*), the counsel for the Income Tax Department shall invariably indicate the tax effect involved in such appeal. In case tax effect is below the prevailing prescribed limit, but the appeal is being preferred in view of the exceptions provided in the circular, a specific averment in this regard (while giving clear reference of the relevant clause of the circular) shall be made in the memorandum of appeal.

6. So far as instant appeal is concerned, the appellant is directed to file an additional affidavit indicating therein the facts and clause on the basis whereof, the appellant claims immunity from the applicability of the aforesaid circulars.

7. List this case on 15.07.2026.

DINESH MEHTA, J

AMIT MAHAJAN, J

MAY 7, 2026/*cd*