IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO. 13 OF 2016

THE PRINCIPAL COMMISSIONER OF INCOME TAX, PANAJI. ... Appellant

Versus

M/S. MOHIT ISPAT LTD.,(IN SHORT MIL) ... Respondent

Ms. Asha A. Desai, Advocate for the appellant.
Mr. Parag S. Rao, Advocate for the respondent.

Coram:- F. M. REIS & NUTAN D. SARDESSAI, JJ.

Date:- 7th July, 2016

P.C.:

During the course of hearing of the above appeal, Mr. P. Rao, learned Counsel appearing for the respondent has pointed out that the appeal itself is not maintainable, as it does not meet the requisite tax effect due, to enable the appellant to file the present appeal in terms of the Circular dated 10/07/2014.

2. Ms. Asha Desai, learned Counsel appearing for the appellant, however, submits that the appellant has filed an application being Misc. Application No.21/PAN/2015 before the Income Tax Appellate Tribunal, Panaji for recall/review of the impugned order. The learned Counsel further points out that based on the decision in such review application, the appellant would be able to satisfy the requirement of such Circular. The learned Counsel further points out

that such an application filed before the ITAT has not yet been disposed of.

3. In the peculiar facts and circumstances of the case, considering that it is undisputed that the tax effect as it stands today, would not entitle the appellants to maintain the appeal in view of the said Circular, nevertheless, we find it appropriate to dispose of the above appeal with liberty to the appellant to file a fresh appeal, challenging the impugned order dated 25/11/2014 of the ITAT after a decision on the Misc. Application No.21/PAN/2015 filed by the appellant before the learned ITAT. The learned Tribunal is, accordingly, directed to dispose of such application as expeditiously as possible.

4. The appeal is, accordingly, disposed of with liberty as stated herein above. All contentions of the parties, on merits, are left open.

NUTAN D. SARDESSAI, J. F. M. REIS, J.

ssm.