

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INCOME TAX APPEAL NO. 1113 OF 2014

The Commissioner of Income Tax-I ... Appellant.

V/s.

Aqua Alloys Pvt. Ltd., ... Respondent.

Mr. N. N. Singh, Advocate for the Appellant.

Mr. Neelabh Shreesh i/by Mihir Naniwadekar, Advocate for the Respondent.

**CORAM : M. S. SANKLECHA AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 20th OCTOBER, 2016

P.C. :

1 This Appeal relates to Assessment Year 2007-2008.

2 Mr. Singh, learned Counsel appearing for the Appellant-Revenue invited our attention to Circular No.21 of 2015 issued by the Central Board for Direct Tax dated 10th December, 2015. In particular, our attention is invited to paragraphs 3 and 10 therein which read as under:-

“3:- Henceforth, appeals/SLPs shall not be filed in cases where the tax effect does not exceed the monetary limits given hereunder:-

<i>S. No.</i>	<i>Appeals in Income Tax matters</i>	<i>Monetary Limit (in Rs.)</i>
<i>1</i>	<i>Before Appellate Tribunal</i>	<i>10,00,000/-</i>
<i>2</i>	<i>Before High Court</i>	<i>20,00,000/-</i>
<i>3</i>	<i>Before Supreme Court</i>	<i>25,00,000/-</i>

It is clarified that an appeal should not be filed merely because the tax effect in a case exceeds the monetary limits prescribed above. Filing of appeal in such cases is to be decided on merits of the case.”

“10:- This instruction will apply retrospectively to pending appeals and appeals to be filed henceforth in High Courts/ Tribunals. Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed. Appeals before the Supreme Court will be governed by the instructions on this subject, operative at the time when such appeal was filed.”

3 In the present Appeal, the tax effect is Rs. 10.54 lakhs as mentioned in paragraph 10 of the Appeal Memo.

4 In view of the above, Mr. Singh, learned Counsel appearing for the Appellant- Revenue, on instructions does not press the present Appeal.

5 Accordingly, Appeal is dismissed, as not pressed.

6 Refund of Court Fees as per the Rules.

(MRS.SWAPNA JOSHI,J.)

(M.S.SANKLECHA,J.)