IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 533 OF 2004
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The Commissioner of Income Tax,
Mumbai VIII, Mumbai … Appellant
v/s
M/s Zenith Computers Ltd. … Respondent

Mr Suresh Kumar for Appellant.
None for Respondent.

CORAM : M.S. SANKLECHA AND
B.P. COLABAWALLA JJ.
DATE : 07th JANUARY, 2016

P.C.:-

1. These Appeals relate to Assessment Years 1993-94, 1994-95 and 1995-96.

2. Mr Suresh Kumar, learned counsel appearing for the 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, 5 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 :-

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

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.”

“5. …......... However, in case of a composite order of any High Court or appellate authority, which involves more than one assessment year and common issues in more than one assessment years, appeal shall be filed in respect of all such assessment years even if the 'tax effect' is less than the prescribed monetary limits in any of the year(s) in which 'tax effect' exceeds the monetary limit prescribed. In case where a composite order / judgment involves more than one assessee, each assessee shall be dealt with separately.”

“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 Pending appeals below the specified tax limits in para 3 above may be withdrawn / not pressed.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 cases, the tax effect is Rs.10.22 lakhs, Rs.4.20 lakhs and Rs.4.02 lakhs as mentioned in paragraph 10 of each of the Appeal Memos.

4. In view of the above, Mr Suresh Kumar, learned counsel appearing for the Revenue does not press any of the Appeals.

5. Accordingly, Appeals dismissed, as not pressed.

6. Refund of Court Fees, as per Rules.

(B.P.COLABAWALLA, J.) **(M.S. SANKLECHA, J.)**