

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX REFERENCE NO.125 OF 1999

The Commissioner of Income Tax,
Kolhapur

... Applicant

v/s

Saswad Mali Sugar Factory Ltd.,
Kolhapur

... Respondent

Mr Suresh Kumar for Applicant.
None for Respondent.

CORAM: M.S. SANKLECHA AND
B.P. COLABAWALLA JJ.
DATE : 16TH FEBRUARY, 2016

P.C.:-

1. This Reference under section 256(1) of the Income Tax Act 1961 relates to AY 1978-79.
2. Mr Suresh Kumar, learned counsel for the Revenue states that the tax effect involved in this Reference is less than Rs.20 lakhs. He further states that in view of the Central Board of Direct Tax Circular No.21/15 dated 10th December 2015, the Revenue has been directed not to challenge the orders of the Tribunal before this Court where the tax effect is less than the

threshold limits of Rs.20 lakhs.

3. The above Circular further directs that pending Appeals having a tax effect of less than Rs.20 lakhs would either be not pressed or withdrawn.

4. Mr Suresh Kumar further invites our attention to the decision of this Court in CIT, Bombay City I v/s M/s Sunny Sounds Pvt.Ltd. in ITR No.213 of 1997, rendered on 8th January 2016 wherein this Court has taken a view that the aforesaid Circular No.21/2015 dated 10th December 2015 would also apply to pending References.

5. In the above view, Mr Suresh Kumar states that he has instructions not to press the present Reference. It thus appears that the Applicant is not interested in pursuing the Reference. The same is returned unanswered. However, the question as framed for our opinion is left open for consideration in an appropriate case.

6. Reference disposed of in above terms. No order as to costs.

(B.P.COLABAWALLA, J.)

(M.S. SANKLECHA, J.)

ITR125.99