

vks

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX REFERENCE NO. 434 OF 1998**

The Commissioner of Income Tax

Bombay City III, Bombay

... Applicant.

V/s.

Berrys hotels Pvt. Ltd

... Respondent

Mr. Suresh Kumar a/w Mr. Shyam Walve, for the applicant.

None for respondent.

CORAM : M. S. SANKLECHA &

DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 15th JANUARY, 2016.

P.C.:

1. This Reference under Section 256(1) of the Income Tax Act 1961, relates to the assessment year 1981-82 and 1982-83.

2. Mr. Suresh Kumar, learned counsel appearing for the Revenue very fairly states that the tax effect in the aggregate for all the three years is less than Rs.20 lacs.

3. We have on 8th January, 2016 in **CIT -vs- Sunny Sounds Pvt. Ltd.** in Income Tax reference No. 213 of 1997 had occasion to consider the applicability of Central Board of Direct Taxes Circular No.21 of 2015 dated 10th December, 2015, to pending Reference under

Section 256 of the Act.

4. We have, by order dated 8th January, 2015, taken a view that CBDT Circular No.21 of 2015 dated 10th December, 2015, would also apply to pending References under Section 256 of the Act.

5. In view of decision of this Court in Sunny Sounds Pvt. Ltd. (supra), the present Reference Application at the instance of the Revenue, is being returned unanswered. However, we make it clear that the question of law as raised for our opinion is left open to be considered in an appropriate case.

6. Reference is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [M.S. SANKLECHA, J.]

C E R T I F I C A T E

Certified to be true and correct copy of the
original signed order.