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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.436 OF 1998

The Commissioner of Income Tax,
Bombay City-IV. ..Appellant
Versus
Dr. Beck & Co. (I). ..Respondent

....
Ms. Aarti Sathe a/w Mr. Kalpesh Turalkar for the Respondent.
....

CORAM: M. S. SANKLECHA &
A. K. MENON, JJ.

DATE : 17TH JUNE, 2016

P.C.:

1. This is reference pertains to A.Y. 1981-82 were on board on 10th June, 2016. At that time we passed the following order:-

> *"1. The Central Board of Direct Tax has issued a Clarification dated 8th March, 2016 – wherein the earlier Circular No.21 of 2015 dated 10th December, 2015 was made applicable to pending References. Therefore, the Officers of the Revenue would not now press pending References before this Court where the tax effect involved is less than Rs.20 lakhs.*
>
> *2. Revenue is directed to examine each of the above References and ascertain the tax effect involved in each of them. Thereafter, file an affidavit, including the References where the tax effect involved is less than Rs.20 lakhs. Affidavit should be filed on or before next date i.e. 17th June, 2016. These*

References which have tax effect of less than Rs.20 lakhs, would be covered by the above Circular.

3. It is made clear that in case the aforesaid exercise is not done, then, we may be constrained to return all the above References unanswered."

2. Mr. Suresh Kumar, the learned counsel appearing for the Revenue states that the order dated 10th June, 2016 had been communicated to the concerned Commissioner of Income Tax. However, no instructions have been received with regard to the tax effect in this among other References.

3. The learned counsel appearing for the Respondent states that by this Reference the Tribunal referred questions for the opinion of this Court not only at the instance of the Revenue but also at the instance of the Assessee. However, the assessee is also not now interested in pursuing the questions raised in the Reference at their instance.

4. Accordingly, all the questions raised on behalf of the Revenue as well as Respondent-Assessee are being returned unanswered. It is made clear that the questions raised for our opinion in this Reference are left open for consideration in an appropriate proceedings.

5. Reference returned unanswered. No order as to costs.

(A. K. MENON, J.) **(M. S. SANKLECHA, J.)**

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