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

INCOME TAX APPEAL NO.5545 OF 2010

Commissioner of Income-Tax .. Appellant
v/s.
M/s. Anil Enterprises .. Respondent

Mr. Suresh Kumar for the appellant.
Ms. Aasifa Khan for the respondent.

CORAM : M.S. SANKLECHA &
A.M. BADAR, JJ.

DATED : 15TH APRIL, 2016.

P.C.

1. This Appeal relates to Assessment year 1991-92.

2. Mr. Suresh Kumar, learned Counsel for the Revenue invited our attention to Circular No.21/2015 issued by the Central Board for Direct Tax dated 10th December, 2015. In particular, our attention directing the Revenue is invited to paragraph 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:-*

S. 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."*
>
> ***<u>"10:-</u>*** *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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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 case, the tax effect is Rs. 14.15 lakhs as mentioned in paragraph 9 of the Appeal Memo.

4. In view of the above, Mr. Suresh Kumar, learned Counsel appearing for the Revenue does not press the present Appeal.

5. Accordingly, **Appeal is dismissed,** as not pressed.

6. Refund of Court Fees, as per Rules.

(A.M. BADAR, J.) **(M.S. SANKLECHA, J.)**