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

INCOME TAX APPLICATION NO.19 OF 2000

The Commissioner of Income Tax, Mumbai .. Applicant

v/s.

Indian Express Newspaper (Bom)
P. Ltd., Mumbai .. Respondent

Mr. Sham Walve for the applicant
Dr. Abhinav Chandrachud a/w Amol Joshi i/b Poorvi Kamani for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.
DATED : 1st APRIL, 2016.

P.C.

1. This is an application under Section 256(2) of the Income Tax Act, 1961 (the Act) seeking a direction to the Tribunal to state a case and refer question of law to this Court. This was in view of the fact that by order dated 31st March, 1999, the Tribunal rejected the Reference Application filed by the Revenue under Section 256(1) of the Act to make a Reference to this Court on the question proposed.

2. This application relates to Assessment Year 1992-93. Mr. Walve, learned Counsel for the Revenue states that the tax effect involved in the present application is Rs.2.30 lakhs.

3. Mr. Walve, learned Counsel for the applicant states that the Central Board of Direct Taxes has issued a Circular No.21/2015 dated 10th December, 2015 directing the Revenue to withdraw / not press the pending appeals in this Court having a tax effect of less than Rs.20 lakhs. It is further submitted that this Court by order dated 8th January, 2016 passed in the case of *Commissioner of Income Tax vs. Sunny Sounds (P) Ltd.*, being Income Tax Reference No.213 of 1997, has held that the Central Board of Direct Tax's Circular No.21/2015 dated 10th December 2015 is also applicable to the pending References.

4. In view of the above, Mr. Walve states that as the tax effect involved in the present reference is less than the threshold limits of Rs.20 lakhs prescribed in the above Circular, he has instructions not to press the present Reference Application under Section 256(2) of the Act.

5. In view of the above, the Application is dismissed as withdrawn. No order as to costs.

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