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

**INCOME TAX APPEAL NO.1733 OF 2014**

DIT (Exemptions), Mumbai ... Appellant
Versus
Sri Sathya Sai Trust ... Respondent

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Mr. A.R. Malhotra a/w Ms. Padma Divakar a/w Mr. V.A. Kazi for the Appellant.
Mr. Atul Jasani for the Respondent.

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**CORAM : M.S. SANKLECHA &**
**S.C.GUPTE, JJ**

**DATE : 17 OCTOBER 2016**

**P.C. :**

. This Appeal relates to Assessment Year 2007-08.

2. Mr. Malhotra, learned Counsel appearing for the Revenue invited our attention to Circular No.21 of 2015 issued by the Central Board for Direct Tax dated 10th December, 2015. In particular, our attention is invited to paragraphs 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."*
>
> ***"10:-*** *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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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.15,66,003/- as mentioned in paragraph 9 of the Appeal Memo.

4. In view of the above, Mr. Malhotra, learned Counsel appearing for the Revenue on instructions seeks to withdraw the present appeal.

5. Accordingly, **Appeal is dismissed,** as withdrawn.

6. Refund of Court Fees, as per Rules.

**(S.C. GUPTE, J.)** **(M.S. SANKLECHA, J.)**