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

INCOME TAX REFERENCE NO. 59 OF 1998

The Commissioner of Income Tax
Kolhapur .. Applicant
v/s.

Shri. Warna Sahakari Dudh Utpadak
Prakriya Sangh Ltd. .. Respondent

Mr. Suresh Kumar for the applicant
None for the respondent

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

DATED : 29th APRIL, 2016.

P.C.

1. This Reference under Section 256 (1) of the Income Tax Act, 1961 relates to Assessment Year 1993-94.

2. Our attention is invited to the Central Board of Direct Taxes (CBDT) Circular No. 21 of 2015 dated 10th December, 2015 which directs the Revenue not to challenge order of the Tribunal before this Court where the tax effect is less than Rs.20 lakhs and where appeals have been filed, the same should either be not pressed or withdrawn. Mr. Pinto, learned Counsel appearing for the Revenue, on instruction, states that the tax effect involved in the present Reference is less than the threshold limit of Rs.20 lakhs.

3. Mr. Suresh Kumar, learned Counsel appearing for the Revenue points out that although the CBDT Circular No.21 of 2015 dated 10th

December, 2015 relates to an Appeal under Section 260-A of Act, this Court in ***CIT v/s. in Sunny Sounds (P) Ltd. (ITR No. 213 of 1997)*** decided on 8th January, 2016 has taken a view that the above Circular No.21 of 2015 issued by CBDT on 10th December, 2015 would be applicable also to pending References.

4. In the above view, on instructions, Mr. Suresh Kumar, learned Counsel appearing for the Revenue does not press the present Reference. It appears that the Applicant is not interested in pursuing the Reference.

5. Accordingly, the question framed in this Reference, for our opinion, is returned unanswered along with the Reference. However, it is made clear that in an appropriate case, the question as framed herein is left open for consideration.

6. Accordingly, **Reference** is **disposed of** in the above terms. No order as to costs.

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