

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 255 OF 2013

Commissioner of Income Tax Mumbai 10

...Appellant

v/s.

M/s Golden Cellar Pvt. Ltd.

...Respondent

....

Mr. Arvind Pinto, for the Appellant.

Mr. Jitendra Singh, for the Respondent.

.....

CORAM : M.S. SANKLECHA &
M.S. KARNIK, J.J.

DATED : 15th July, 2016

P.C :

1. This Appeal relates to Assessment for Block Period 1-4-1988 to 12-8-1998.

2. Mr. Pinto, 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 invited to paragraphs 3 and 10 therein which read as under:-

“3:-Henceforth, appeals/SLPs shall no be filed in cases where the tax effect does not exceed the monetary limits given hereunder:-

<i>Sr. No.</i>	<i>Appeals in Income Tax matters</i>	<i>Monetary (in Rs.)</i>	<i>Limit</i>
<i>1</i>	<i>Before Appellate Tribunal</i>	<i>10,00,000/-</i>	
<i>2</i>	<i>Before High Court</i>	<i>20,00,000/-</i>	
<i>3</i>	<i>Before Supreme Court</i>	<i>25,00,000/-</i>	

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 Court/ 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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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. 9 lakhs as mentioned in paragraph 11 of the Appeal Memo.
4. In view of the above, Mr. Pinto, 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.

(M.S. KARNIK, J.)

(M.S. SANKLECHA, J.)