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

INCOME TAX APPEAL NO.482 OF 2014

The Commissioner of Income Tax-4,
Mumbai .. Appellant

v/s.

M/s. RBK Share Broking Ltd. .. Respondent

Mr. Ashok Kotangle i/b Ms. Padma Divakar for the appellant
Ms. Aasifa Khan for the respondent

CORAM : M.S. SANKLECHA &
G.S.KULKARNI, J.J.

DATED : 5th OCTOBER, 2016.

P.C.

1. Heard. This appeal relates to Assessment Year 2008-09.

2. The tax effect shown in the memo of appeal at para 11 is Rs.33.71 lakhs. However, Mr. Kotangle, learned Counsel for the appellant Revenue files an affidavit of Mr. Ganesh Iyer, Income Tax Officer, dated 4th October, 2016 wherein it has been stated that the tax effect involved in the present appeal is Rs.5.73 lakhs and by mistake the figure of Rs.33.71 lakhs has been mentioned as the tax effect in the memo of appeal.

3. Mr. Kotangale, 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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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."*

4. In the present case, the tax effect is Rs. 5.73 lakhs as mentioned in the affidavit filed by Mr. Ganesh Iyer, Income Tax Officer, dated 4th October, 2016.

5. In view of the above, Mr. Kotangle, learned Counsel appearing for the Revenue does not press the present Appeal.

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

7. Refund of Court Fees, as per Rules.

(G.S. KULKARNI, J.) **(M.S. SANKLECHA, J.)**