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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.1359 OF 2014
WITH
INCOME TAX APPEAL NO.1360 OF 2014
WITH
INCOME TAX APPEAL NO.1435 OF 2014
WITH
INCOME TAX APPEAL NO.1436 OF 2014

Commissioner of Income Tax-16 ..Appellant
Versus
The Panchratna Co-operative Housing
Society Ltd. ..Respondent

....
Mr. N. A. Kazi i/b. A. R. Malhotra for the Appellant.
Mr. S. Mohalkar a/w Amol B. Kharat i/b. Pillai & Co. for the Respondent.
....

CORAM: M. S. SANKLECHA &
A. K. MENON, JJ.

DATE : 24th JANUARY, 2017

P.C.

1. These four appeals relates to Assessment Years 1995-96, 1997-98, 1998-99 and 1999-2000 arising from a common order dated 13th December, 2013 of the Income Tax Appellate Tribunal (Tribunal).

2. Mr. Kazi, the learned counsel appearing for the appellant-Revenue states that the tax effect involved in all the four appeals is less than the

threshold limit of Rs.20 lakhs and therefore would stand covered by the Central Board for Direct Tax Circular no.21 of 2015 dated 10th December, 2015. In particular, our attention invited to paragraphs 3, 5 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:-*

Sr. 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."

"5. ………… However, in case of a composite order of any High Court or appellate authority, which involves more than one assessment year and common issues in more than one assessment year, appeal shall be filed in respect of all such assessment years even if the 'tax effect' is less than the prescribed monetary limits in any of the year(s), if it is decided to file appeal in respect of the year(s) in which 'tax effect' exceeds the monetary limit prescribed. In case where a composite order / judgment involves more than one assessee, each assessee shall be dealt with separately."

*"**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 cases, the tax effect as mentioned in paragraph 11 of

the each of the four Appeal Memos is as under :-

Appeal No.	Assessment Year	Amount (Tax effect)
1359 of 2014	1995-96	5.10 lakhs
1360 of 2014	1997-98	9.16 lakhs
1435 of 2014	1998-99	14.52 lakhs
1436 of 2014	1999-2000	7.65 lakhs

4. Mr. Kazi, on instructions, states that all the four appeals are not being pressed. Accordingly, all the **Appeals are dismissed,** as not pressed.

5. Refund of Court Fees, as per Rules.

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

Wadhwa