

IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO. 49 OF 2017

The Commissioner of Income Tax,
Panaji

... Appellant.

Versus

The Vividha Urban Co-op. Credit
Society Ltd.

.... Respondent

Ms. Amira Abdul Razaq, Standing Counsel for the Appellant.

Mr. S.R.Rivankar, Advocate with Mr. Rama Rivankar, Advocate for
the Respondent no.2.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 12 October 2018.

P.C. :

In this Appeal, the tax effect is shown by the Appellant-Revenue as Rs.23,44,854/-. In view of the CBDT Circular dated 11 July 2018, pursuant to the National Litigation Policy the Income Tax Department has to withdraw the Appeals where the tax effect is below Rs.50,00 lakhs. The Circular also had given the date of 20 August 2018 to the Commissioner to take a decision.

2. In view of this policy, the Tax Appeals were placed on the board on 28 August 2018, and 6 September 2018 to enable the Revenue to take the written instructions. In fact, we had suggested that they should form a team to examine the matters.

3. The learned Standing Counsel states that no specific instructions have been received from the Appellant so far, as to whether this Appeal also falls in any of the exceptions provided in the CBDT Circular. The tax effect in this Appeal is below the stipulated limit in the Circular. We had adjourned the matter from time to time along with several others and this entire exercise cannot be undertaken again and again. We dispose of this Appeal, giving liberty to the Appellant to seek revival of the Appeal, if upon examination it is found that the Appeal falls in one of the exceptions and, therefore needs to be pursued in spite of the tax effect being below Rs.50,00 lakhs. In view of the fact that the policy is to reduce the litigation, such a decision be taken within a period of six weeks.

4. With the above observations, the Appeal is disposed of.

5. We are also informed that a Public Interest Litigation is pending in the Supreme Court challenging the CBDT Circular dated

11 July 2018. The disposal of the Appeal is subject to the outcome of the said public interest litigation.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.