IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO.64 OF 2008

The Commissioner of Income Tax … Appellant

Versus

M/s. Philcorp Holdings Ltd., …. Respondent

Ms. A. Razaq holding for Ms. S. Linhares, Standing Counsel for the Appellant.

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

Date : 26 October 2018.

P.C. :

This appeal has tax effect of Rs.4 lakhs. The appeal was listed on board in view of the CBDT Circular dated 11 July 2018. On 27 August 2018, the learned Standing Counsel had sought time to take instructions. No instructions apparently have been received by the learned Standing Counsel from the Appellant. The CBDT Circular dated 11 July 2018 stipulates that if the tax effect is below Rs.50 lakhs, as per the policy, the appeal is not to be pursued. There are however certain exceptions to the tax effect below Rs.50 lakhs to pursue the appeal. But so far we have not informed as to whether the appeal falls in any of the exceptions provided in the CBDT Circular. In view of the fact that the policy is to reduce the litigations, we are of the opinion that the appeal can be disposed of by giving liberty to the Appellant-Revenue if upon examination it is found that the appeal falls in one of the exceptions to revive the appeal. The appeal stands disposed of in view of the CBDT Circular dated 11 July 2018 with the liberty as above. The application for restoration, if any, will be filed within six weeks from today.

Prithviraj K. Chavan, J. ***N.M. Jamdar, J.***