Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEALS NO.133 & 142 OF 2017

The Principal Commissioner of
Income Tax. …... Appellant.

Versus.

Deendayal Nagar Sahakari
Pathsaunstha Maryadit. …... Respondent.

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

Mr. Somnath Karpe, Advocate for the Respondent.

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

Date : 11 October 2018.

P.C.:

In these Appeals, the tax effect shown by the Appellant-Revenue is below ₹ 50.00 lakhs. In view of the CBDT Circular dated 11 July 2018, pursuant to the National Litigation Policy the Income Tax Department has decided to withdraw the Appeals where the tax effect is below ₹ 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 where placed on the board on 28 August 2018, and 6 September 2018 to enable the

Revenue to take written instructions. In fact, we had suggested that they should form a team to examine the matters. The learned Standing Counsel states that no specific instructions have been received from the Appellant so far, as to whether these Appeals also fall in any of the exceptions provided in the CBDT Circular. The tax effect in these Appeals is below the stipulated limit in the Circular. We had adjourned the matters from time to time along with several others and this exercise cannot be undertaken again and again. Therefore, we dispose of these Appeals, giving liberty to the Appellant to seek revival of the Appeals within a reasonable time, if upon examination it is found that the Appeals fall in one of the exceptions and, therefore need to be pursued inspite of the tax effect being below ₹ 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.

3. With the above observations, the Appeals are disposed of. 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 these Appeals is also subject to the outcome of the said public interest litigation.

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