IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1051 OF 2007

Commissioner of Income
Tax, Mumbai ....Applicant/
Orig. Appellant

V/s.

M/s. Lyca Labs Ltd, Mumbai ....Respondent

* * * * *

Mr. Suresh Kumar, Advocate for the appellant.

CORAM :- M.S. SANKLECHA, &

SANDEEP K. SHINDE, JJ.

DATE :- 22ND MARCH, 2018.

P.C. :-

1. This Appeal relates to Assessment Year 1997-98.

2 Mr. Suresh Kumar, 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 No.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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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."*

3 In the present case, the tax effect is Rs.4.83 lakhs as mentioned in paragraph-10 of the Appeal Memo.

4 In view of the above, Mr. Suresh Kumar, learned Counsel appearing for the Revenue does not press the present Appeal.

5 Accordingly, **Appeal dismissed,** as not pressed.

6 Refund of Court Fees, as per Rules.

(SANDEEP K. SHINDE, J) **(M.S. SANKLECHA, J)**