Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1044 OF 2015

ALONG WITH

INCOME TAX APPEAL NO. 1031 OF 2015

The Commissioner of Income Tax-6 ...Appellant

Versus

Solapur Siddheshwar Sahakari Bank Ltd. ...Respondent

Mr. Tejveer Singh, for the Appellant (in both Appeals).

Mr. Ruturaj Gurjar, i/by Mr. Mihir Naniwadekar, for the Respondent (in both Appeals).

CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, JJ.

DATE : 20 February 2018

ORDER :

1. Income Tax Appeal No. 1044 of 2015 is not on board. Upon mentioning, taken up on production board along

with Income Tax Appeal No. 1031 of 2015.

2. These two appeals arise out of a common impugned order dated 31 October 2014 passed by the Income Tax Appellate Tribunal ("***The Tribunal***" for short) in respect of Assessment Years 2010-11 and 2009-10 respectively.

3. Mr. Tejveer Singh, learned Counsel appearing for the Revenue invited our attention to Circular No. 21 of 2015 issued by the Central Board for Direct Tax dated 10 December 2015. In particular, our attention is invited to paragraphs No. 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:-

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.
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> 5. …. …. …. …. …. ….
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> 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."
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> 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.

4. Mr. Tejveer Singh, the learned Counsel for the Revenue, states that the tax effect involved in Income Tax

Appeal No. 1031 of 2015 is Rs. 16.64 Lakhs as mentioned in paragraph 10 thereof. In Income Tax Appeal No. 1044 of 2015 the tax effect is Rs. 19.47 Lakhs as stated in paragraph 10 thereof. As the tax effect involved in both these Appeals very less, the threshold limits of Rs. 20.00 Lakhs. These Appeals are not hit by paragraph 5 of Circular No. 21 of 2015.

5. In view of the above, Mr. Tejveer Singh, learned Counsel appearing for the Revenue, is instructed not to press both these Appeals.

6. Accordingly, both these Appeals are dismissed, as not pressed.

7. Refund of Court Fees, as per Rules.

[RIYAZ I. CHAGLA J.] **[M.S. SANKLECHA, J.]**