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

INCOME TAX APPEAL NO. 209 OF 2015

The Commissioner of Income Tax-I,
Mumbai .. Appellant

v/s.

M/s. Intelnet Global Services Pvt. Ltd. ..Respondent

Mr. Suresh Kumar for the appellant
Mr. Atul Jasani for the respondent

CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA J.J.

DATED : 12th FEBRUARY, 2018.

P.C.

1. This Appeal relates to Assessment Year 2006-07.

2. Mr. Suresh Kumar, learned Counsel appearing for the appellant – Revenue tenders an affidavit of Mr. Rakesh Bhaskar, Principal Commissioner of Income Tax-12, Mumbai, dated 3rd February, 2018. In the above affidavit, it is stated that the tax effect involved in the present appeal at Rs.96.94 lakhs is a mistake and the correct amount of tax involved in this appeal is Rs.15.19 lakhs.

3. 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 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 Pending appeals below the specified tax limits in para 3 above may be withdrawn/not pressed.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.”*

4. In view of the above affidavit dated 3rd February, 2018 filed by the Principal Commissioner of Income Tax, Mr. Suresh Kumar, learned Counsel for the appellant Revenue, on instructions, seeks to withdraw the present appeal.

5. Accordingly, **Appeal is dismissed,** as withdrawn.

6. Refund of Court Fees, as per Rules.

(RIYAZ I. CHAGLA J.) **(M.S. SANKLECHA, J.)**