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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 577/2005

COMMISSIONER OF INCOME TAX ..... Appellant

Through : Sh. Sanjay Kumar and Sh. Asheesh Jain, Advocates, for appellant.

versus

HANS RAJ BANSAL ..... Respondent

Through : None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

<u>O R D E R</u>

% 10.08.2018

<u>C.M. APPL.32291/2018</u>

In this appeal, the questions of law were framed on 01.12.2006 by the Revenue under Section 260A of the Income Tax Act, 1961 [hereafter "the Act"]. The Revenue's grievance pertains to the deletion of amounts said to be brought to tax in the course of search assessment under Section 158BC of the Act. The amount sought to be taxed was ₹39,36,780/-. At that relevant point of time, the rate of tax applicable in such cases was 60% of the assessed amount. The recent circular of 11.07.2018 – which is concededly applicable, has increased the threshold to enable the Revenue to approach this Court under Section 268 of the Act to ₹50 lakhs. The Circular also has been made applicable to pending appeals.

In these circumstances, the appeal has been rendered infructuous on account of low tax effect. The application is accordingly allowed.

<u>ITA 577/2005</u>

In view of the orders made in C.M. Appl.32291/2018, the appeal is dismissed. Needless to add, the question of law framed is kept open.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

AUGUST 10, 2018/ajk