NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 628 of 2019

- Assistant Commissioner Of Income Tax, Circle 1 (2), Raipur Chhattisgarh.

---- Applicant

Versus

- Vijay Transmission Pvt. Ltd., Ring Road No. 2 Village - Godwara, Raipur Chhattisgarh.

---- Respondent

For Applicant :- Shri Amit Chaudhary, Advocate

Hon'ble Shri Prashant Kumar Mishra
Hon'ble Shri Parth Prateem Sahu, JJ.

Order On Board

By

Prashant Kumar Mishra, J.

16/09/2019

1. This MCC was preferred on 17.06.2019 for recalling of the order dated 01.05.2019 in TAXC No.87 of 2018 by which we have dismissed the appeal for the reason that the tax effect being less than Rs.50 Lacs, the appeal was not maintainable due to the monetary limit fixed under the CBDT

circular dated 11.07.2018. At the time of filing, the ground raised in the MCC was that the notional income of the assessee was not added to the total tax/ liability. On addition of notional income, the consequent tax liability would have crossed Rs. 50 Lacs, therefore, it was not hit by the circular dated 11.07.2018.

2. After filing of the MCC, the CBDT has issued fresh circular dated 08.08.2019 enhancing the monetary limit for the High Court from Rs. 50 Lacs to Rs. 1 Crore. Admittedly, even if the notional income is added to the total income, the tax liability for the subject assessment year would still be less than Rs. 1 Crore, therefore, at present the appeal would not be maintainable due to the subsequent CBDT circular dated 08.08.2019.

3. In view of the above, we are not inclined to entertain the MCC for recalling the order dated 01.05.2019.

4. Accordingly, the MCC deserves to be and is hereby dismissed.

SD/-
(**Prashant Kumar Mishra**)
Judge

SD/-
(**Parth Prateem Sahu**)
Judge

Ayushi