IN THE HIGH COURT OF BOMBAY AT GOA

TAX APPEAL NO. 106 OF 2017

THE PR. COMMISSIONER OF INCOME TAX
Having office at Aayakar Bhavan,
Patto – Plaza, Panaji- Goa. ... Appellant

Versus

V.M. SALGAONKAR CORPORATION PVT. LTD.
Salgaonkar House, F.L. Gomes Road,
Vasco- da-Gama, Goa. ... Respondent

Ms. T. Ferreira h/f. Ms. Amira Abdul Razaq, Advocate for the appellant.

Mr. A.F. Diniz, Senior Advocate with Mr. Ryan Da Piedade Menezes, Advocate for the respondent.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.
Date:- 1st December, 2020.

ORAL JUDGMENT: (Per M.S. Sonak,J.)

Heard Ms. Tanya Ferreira h/f. Ms. Amira Abdul Razaq, learned Advocate for the appellant and Mr. A.F. Diniz, learned Senior Advocate with Mr. Ryan Da Piedade Menezes, learned Advocate for the respondent.

2. Mr. Diniz, learned Senior Advocate had demonstrated that, prima facie, the tax effect in this appeal was hardly ₹16,42,057/-. Therefore, this matter was adjourned from time to time in order to enable the learned Counsel for the Revenue to obtain instructions on whether this appeal was to be withdrawn in view of the CBDT Circulars holding the field.

3. Today, it is pointed out that the instructions are yet to be received.

4. According to us, the tax effect in this appeal thus appears to be ₹16,42,057/- as demonstrated by Mr. Diniz, learned Senior Counsel. At least, today it is not pointed out to us that this matter is covered under any of the exceptions set out in the CBDT circulars. We had already adjourned this matter on some occasions in order to enable the learned Counsel for the Revenue to seek instructions in the matter.

5. Accordingly, we dispose of this appeal on the ground of the tax effect being less than a ceiling prescribed in the

CBDT Circular dated 08/08/2019 without answering the substantial question of law raised herein. However, we grant liberty to the Revenue to apply for restoration of this appeal within a period of maximum two months from today, in case, the Revenue considers that the tax effect is above the ceiling prescribed or if this appeal is covered by any of the exceptions.

6. The appeal is disposed of with liberty as aforesaid.

SMT. M. S. JAWALKAR, J. **M. S. SONAK, J.**

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