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

INCOME TAX APPEAL (IT) NO.1041 OF 2007

The Commissioner of Income-Tax VIII ... Appellant
V/s.
M/s Jecobs H and G Pvt. Ltd. ... Respondent

Mr.Suresh Kumar with Ms.Sumandevi Yadav, Advocate for the Appellant.
Mr.Subhash S. Shetty, Advocate for the Respondent.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.
DATE : FEBRUARY 12, 2020

P.C.:-

1. Heard Mr.Suresh Kumar, learned standing counsel, Revenue for the appellant; and Mr.Subhash S. Shetty, learned counsel for the respondent/assessee.

2. This appeal has been preferred by the Revenue under Section 260A of the Income Tax Act, 1961 assailing the order dated 22nd April, 2004 passed by the Income Tax Appellate Tribunal, Mumbai Bench "D", Mumbai in Income Tax Appeal No.162/Mum/2000 for the assessment year 1995-96.

3. We notice that in the court proceedings held on 14th January, 2020 it was pointed out by learned counsel for the respondent that the tax effect is less than the prescribed limit of Rs.1 crore as provided in CBDT Circular No.17 of 2019

dated 8th August, 2019. Learned standing counsel had sought for time to examine the position. Further time was granted subsequently on 28th January, 2020.

4. Today when the matter is called upon, Mr.Suresh Kumar submits that he has not received any instructions.

5. Be that as it may, evidently the tax effect is below the prescribed limit of Rs.1 crore as per the CBDT Circular No.17 of 2019.

6. The appeal is accordingly dismissed as withdrawn as per the said Circular. However, liberty is granted to the appellant to seek revival of the appeal if it is found that the appeal comes within any of the exceptions carved out in the CBDT circular.

7. Court fees paid may be refunded as per Rules.

(MILIND N. JADHAV, J.) **(UJJAL BHUYAN, J.)**

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