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

INCOME TAX APPEAL NO. 1042 OF 2007
WITH
INCOME TAX APPEAL NO. 1063 OF 2007

The Commissioner of Income Tax VIII, Mumbai .. Appellant

v/s.

M/s. Jacobs H & G Pvt. Ltd. .. Respondent

Mr. Suresh Kumar for the Appellant.
Mr. S.S.Shetty for the Respondent.

CORAM: UJJAL BHUYAN, &
MILIND N. JADHAV, JJ.

DATE : 21ST JANUARY, 2020.

P. C:-

1. Heard Mr. Suresh Kumar, learned standing counsel revenue for the appellant and Mr. S.S.Shetty, learned counsel for the respondent.

2. Today when the matter is called upon, learned counsel for the parties has placed before the Court a copy of Circular No. 17 of 2019 of Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes dated 08.08.2019 enhancing monetary limit for filing of appeals by the Department before the Income Tax Appellate

Tribunal, High Court and before the Supreme Court. In so far filing of appeal before the High Court is concerned, the monetary limit is fixed at Rs.1 crore. In other words, in any matter where the tax effect is less than Rs.1 crore, Department would not prefer appeal and in cases where appeal has been preferred, those would stand withdrawn subject to the conditions mentioned in the circular.

3. In the present appeal it is submitted that the tax effect would be less than Rs.1 crore.

4. Accordingly, appeal is dismissed as withdrawn in terms of the above Circular.

5. However, it is made clear that in case learned standing counsel revenue is informed by the Department that the appeal is not covered by the aforesaid circular, he would be at liberty to move the Court for recall of this order.

6. Refund of Court fee as per rules.

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