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

WEALTH TAX APPEAL NO. 926 OF 2007
ALONGWITH
WEALTH TAX APPEAL NO. 927 OF 2007
ALONGWITH
WEALTH TAX APPEAL NO. 928 OF 2007
ALONGWITH
WEALTH TAX APPEAL NO. 929 OF 2007
ALONGWITH
WEALTH TAX APPEAL NO. 930 OF 2007
ALONGWITH
WEALTH TAX APPEAL NO. 931 OF 2007

The Commissioner of Wealth Tax,
Mumbai ….Appellant
V/s.
Ramniklal R. Mehta …Respondent

None for the parties.

ALONGWITH
WEALTH TAX APPEAL NO. 1189 OF 2007

The Commissioner of Wealth Tax,
Bombay City VI ….Appellant
V/s.
M/s. Hindalco Industries Ltd. …Respondent

Mr. Suresh Kumar for Appellant.
None for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 1047 OF 2009
ALONGWITH
WEALTH TAX APPEAL NO. 1048 OF 2009

The Commissioner of Wealth Tax,
V, Pune ….Appellant
V/s.
Finolex Cables Limited …Respondent

None for Appellant.
Mr. Vishnu S. Hadade for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 1549 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 1096 OF 2009

The Commissioner of Wealth Tax - 5
Mumbai ….Appellant
V/s.
M/s. Jindal Iron and Steel
Co. Ltd. Mumbai …Respondent

Mr. Suresh Kumar for Appellant.
Mr. Atul K. Jasani for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 5511 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 5512 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 5513 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 5514 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 5537 OF 2010
ALONGWITH
WEALTH TAX APPEAL NO. 5541 OF 2010

The Commissioner of Wealth Tax,
City XI, Mumbai ….Appellant
V/s.
Shantilal J. Jain …Respondent

Mr. Suresh Kumar for Appellant.
Mr. K. Gopal for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 5754 OF 2010

The Commissioner of Wealth Tax,
V Pune ....Appellant
V/s.
Finolex Cables Ltd. ...Respondent

None for Appellant.
Mr. K. Gopal for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 70 OF 2011

The Commissioner of Wealth Tax,
6 Mumbai ....Appellant
V/s.
Hindalco Industries Ltd. ...Respondent

None for the parties.

ALONGWITH
WEALTH TAX APPEAL NO. 884 OF 2012

The Commissioner of Wealth Tax,
City, XIII, Mumbai ....Appellant
V/s.
Rai Bahadur Kanwar Rajnath ...Respondent

None for the parties.

ALONGWITH
WEALTH TAX APPEAL NO. 82 OF 2013

The Commissioner of Wealth Tax,
Central Pune ....Appellant
V/s.
Intervalve (India) Pvt. Ltd. ...Respondent

None for the Appellant.
Mr. Vishnu S. Hadade for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 302 OF 2013

The Commissioner of Wealth Tax,
Central II, Mumbai ....Appellant
V/s.
Shahrukh Khan ...Respondent

None for Appellant.
Mr. Atul K. Jasani i/b. Subhash Shetty for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 2476 OF 2013
ALONGWITH
WEALTH TAX APPEAL NO. 2269 OF 2013
ALONGWITH
WEALTH TAX APPEAL NO. 2262 OF 2013
ALONGWITH
WEALTH TAX APPEAL NO. 2265 OF 2013
ALONGWITH
WEALTH TAX APPEAL NO. 2270 OF 2013
ALONGWITH
WEALTH TAX APPEAL NO. 2258 OF 2013

Commissioner of Wealth Tax,
Central II, Mumbai ....Appellant
V/s.
M/s. Bharat Insulation Company
(I) Ltd., Thane ...Respondent

None for the parties.

ALONGWITH
WEALTH TAX APPEAL NO. 534 OF 2014

The Commissioner of Wealth Tax-2 ....Appellant
V/s.
Zensar Technologies Limited ...Respondent

Mr. Suresh Kumar for Appellant.
None for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 752 OF 2014
ALONGWITH
WEALTH TAX APPEAL NO. 762 OF 2014
ALONGWITH
WEALTH TAX APPEAL NO. 763 OF 2014
ALONGWITH
WEALTH TAX APPEAL NO. 761 OF 2014
ALONGWITH
WEALTH TAX APPEAL NO. 760 OF 2014

The Commissioner of Income Tax-II
Pune ….Appellant
V/s.
Villoo Noshir Anklesaria …Respondent

Mr. Suresh Kumar for Appellant.
Mr. Ruturaj H. Gurjar for Respondents.

ALONGWITH
WEALTH TAX APPEAL NO. 630 OF 2015
ALONGWITH
WEALTH TAX APPEAL NO. 823 OF 2015
ALONGWITH
WEALTH TAX APPEAL NO. 822 OF 2015
ALONGWITH
WEALTH TAX APPEAL NO. 631 OF 2015
ALONGWITH
WEALTH TAX APPEAL NO. 632 OF 2015

The Commissioner of Wealth Tax-17
Mumbai ….Appellant
V/s.
Sushma Daga and
Chandrasekhar S. Daga …Respondents

None for Appellants.
Mr. Sudhir Mehta a/w Ms. Ishita Y. Shah and Mr. Bhaskar Bhagat i/b Ishita Yash Shah for Respondent/Applicants in Cross Objections.

ALONGWITH
WEALTH TAX APPEAL NO. 840 OF 2015
ALONGWITH
WEALTH TAX APPEAL NO. 881 OF 2015

The Commissioner of Wealth Tax-1
Mumbai ….Appellant
V/s.
M/s. Forbes And Company Ltd. …Respondent

Mr. Suresh Kumar for Appellant.
Mr. Atul K. Jasani for Respondent.

ALONGWITH
WEALTH TAX APPEAL NO. 1182 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 15 OF 2018
IN
WEALTH TAX APPEAL NO. 1182 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

ALONGWITH
WEALTH TAX APPEAL NO. 1184 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 13 OF 2018
IN

WEALTH TAX APPEAL NO. 1184 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

ALONGWITH
WEALTH TAX APPEAL NO. 1201 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 17 OF 2018
IN
WEALTH TAX APPEAL NO. 1201 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

ALONGWITH
WEALTH TAX APPEAL NO. 1186 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 14 OF 2018
IN
WEALTH TAX APPEAL NO. 1186 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

ALONGWITH
WEALTH TAX APPEAL NO. 1202 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 10 OF 2018
IN
WEALTH TAX APPEAL NO. 1202 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

ALONGWITH
WEALTH TAX APPEAL NO. 1194 OF 2015

The Principal Commissioner of Wealth
Tax-2 Mumbai ….Appellant
V/s.
M/s. Hastiraj Premises P. Ltd. …Respondent

ALONGWITH
CROSS OBJECTION LODGING NO. 9 OF 2018
IN
WEALTH TAX APPEAL NO. 1194 OF 2015

M/s. Hastiraj Premises P. Ltd. ….Appellant
V/s.
The Principal Commissioner of Wealth
Tax-2 Mumbai …Respondent

Mr. Suresh Kumar for Appellant in WTXA No. 1182/2015, WTXA No. 1184/2015, WTXA No. 1184/2015, WTXA No. 1201/2015, WTXA No. 1186/2015, WTXA No. 1202/2015, WTXA No. 1194/2015 and for Respondent in CROL/15/2018, CROL/13/2018, CROL/17/2018, CROL/14/2018, CROL/10/2018, CROL/9/2018.
Ms. Aasifa K. Khan for Respondent in Wealth Tax Appeals and for Applicants in Cross-objections.

CORAM : K.R. SHRIRAM &
ABHAY AHUJA, JJ.
DATED : 9th AUGUST 2021

P.C. :

1. Heard Mr. Suresh Kumar and Mr. Gopal.

2. These are Wealth Tax Appeals where the tax effect that would have been chargeable is less than Rs.1 Crore.

3. Government of India, Ministry of Finance, Department of Revenue, Central Board Direct Taxes (CBDT) had issued a Circular No.3 of 2018 dated 11/07/2018, whereby, in suppression of Board's Circular No.21 of 2015, the board decided that departmental appeals filed on merits before Income Tax Appellate Tribunal, High Court and SLPs/appeals before the Supreme Court where the tax effect does not exceed monetary limits given in the circular should not be filed or where it has been filed the same be withdrawn or be not pressed.

4. Circular No.3 of 2018 was amended on 08/08/2019 whereby the monetary limits or the tax effect was enhanced to Rs.50 Lakhs before Appellate Tribunal, Rs.1 Crore before the High Court and Rs.2 Crores before the Supreme Court.

5. The CBDT Judicial Section issued on 05/02/2019 Circular No. 5 of 2019 in which paragraph no.2 reads as under :

> *"2. There is no charge under Wealth Tax Act, 1957 w.e.f. 1st April, 2016. Therefore, as a step towards litigation management, it has been decided by the Board that monetary limits for filing of appeals in Income tax cases as prescribed in Para 3 of the Circular shall also apply to Wealth Tax appeals through extension of the Circular to Wealth tax matters in a mutatis mutandis manner and with modifications as prescribed hereunder."*

6. Since the Circular No.5 of 2019, in paragraph no.2 quoted above, provides that the monetary limits for filing appeals in income tax cases as prescribed in paragraph no.3 of Circular No.3 of 2018 dated 11/07/2018 shall also apply to Wealth Tax Appeals through extension of the circular to wealth tax matters in *mutatis mutandis* manner, in our view, in view of Circular No.17 of 2019, by which only the monetary limits given in Circular No.3 of 2018 as amended on 08/08/2019 was increased (and it is not in supersession of Circular No.3 of 2018) the tax effects mentioned therein shall also stand applicable to Wealth Tax Appeals.

7. In view there of, the appeals mentioned above are disposed as withdrawn/not pressed for.

8. Mr. Suresh Kumar submits that in case the revenue is instructed by the department that the appeal is not covered by the aforesaid circular to the extent of exemption mentioned in paragraph no.10 of Circular No.3 of 2018 as amended on 08/08/2019, then he should be at liberty to move the court for recalling of this order on case to case basis. Ordered accordingly.

9. Refund of court fee, if any, be paid in accordance with rules.

SR No.27

10. In view of the above, all Cross Objections are are also dismissed as withdrawn.

(ABHAY AHUJA, J.) **(K.R. SHRIRAM, J.)**