*JPP*

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

***INCOME TAX APPEAL NO. 429 OF 2003***

The Commissioner of Income Tax, City-III,
Mumbai … Appellant

V/s.

M/s. Standard Industries Ltd. ... Respondent

Mr. Ashok Kotangale a/w. Mr. P.A. Narayanan a/w. Mr. Vijay Anand for the Appellant
Ms. Vasanti Patel for the Respondent

***CORAM : NITIN JAMDAR &***
***N.R. BORKAR, JJ.***

***DATE : 16 JUNE 2022***

***P.C.*** **:-**

The tax effect in this Appeal is Rs.63,85,789/-.

2. The learned Counsel for the Appellant states that the tax effect involved in this Appeal is below the limit stipulated in the CBDT Circular No. 3 of 2018 dated 11 July 2018 as modified by Circular No. 17 of 2019 dated 8 August 2019, however, no instructions are yet received from the department to withdraw the Appeal.

3. The Appeal is pending since the year 2003. The CBDT circular is holding the field since 2019 which had stated that the Appeals below the tax effect be withdrawn by the department within the time specified therein, which has since long expired.

3. In the light thereof, the Appeal is disposed of as being below tax effect.

4. By way of indulgence, we observe that in case, upon the examination, the Revenue finds that the Appeal is not to be withdrawn in the light of the Circular and if application/praecipe is filed within a period of six weeks, the Court may consider restoring the Appeal to be heard on merits.

***N.R. BORKAR, J.*** ***NITIN JAMDAR, J.***

JYOTI PRAKASH PAWAR Digitally signed by JYOTI PRAKASH PAWAR Date: 2022.06.18 15:22:05 +0530