

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

INCOME TAX APPEAL NO. 2614 OF 2018

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Principal Commissioner of Income Tax-2,
Thane, Ashar I.T. Park, 'B' Wing, 6th floor,
Wagle Industrial Estate, Thane (W)-400 604. ... Appellant

Versus

Nitin Prakash,
221/222 Swastik Plaza, Pokhran Rd No.2,
Subhash Nagar, Thane (W), Thane-400 601,
PAN : AASPP1411G
AY 2011-12 ...Respondent

Mr.Suresh Kumar, Advocate for appellant.

Mr.Atul K. Jasani, Advocate for respondent.

**CORAM : DHIRAJ SINGH THAKUR &
KAMAL KHATA, JJ.**

DATE : 13th JANUARY, 2023.

P C :

1. Learned counsel for the appellant states that the tax effect in the present Appeal is below the limit stipulated in terms of Circular No.17 of 2019, dated 8th August, 2019 issued by Central Board of Direct Taxes (CBDT). It is stated that no instructions have been received from the Department to withdraw the present Appeal.

2. In the light of Circular No.17 of 2019, the Appeal is disposed of as involving low tax effect.

3. However, we observe that in case, the Revenue finds for some reason that the Appeal was not supposed to have been withdrawn in the light of the Circular, it would be open to the Revenue to file an application, seeking restoration of the Appeal, to be decided on its own merits. Refund of Court-fees as per rules.

[KAMAL KHATA, J.]

[DHIRAJ SINGH THAKUR, J.]