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

INCOME TAX APPEAL NO. 45 OF 2025

Pr. Commissioner of Income Tax 1
Thane : Appellant

Versus

Late Shri Ravindra Bhaskar Deshmukh
Legal Heir Neeta Ravindra Deshmukh : Respondent

Mr Akhileshwar Sharma (Through V.C.), for the Appellant.

CORAM M.S. Sonak &
Advait M Sethna, JJ.
DATED: 11 November 2025

PC:-

1. Heard Mr. Akhileshwar Sharma, the learned counsel for the Appellant.

2. Though the tax effect in this Appeal is only Rs.8,55,130/-. Mr. Sharma submits that the Appeal would be covered by the exceptions carved out under the CBDT circulars.

3. Without going into the issue now raised by Mr. Sharma, we have heard Mr. Sharma on the merits of the Appeal.

4. Mr. Sharma submits that in this case the Assessing Officer made an addition of 100% on account of bogus purchases. He submits that the ITAT has now reduced the same to 12.5%. Therefore, Mr. Sharma submitted that this

Appeal should be admitted on the substantial questions of law formulated in the Appeal Memo.

5. Ordinarily, where the Assessing Officer has made an addition of 100% but the same is reduced by the Appellate Authority or the ITAT, we have admitted the Appeals. However, in this case, the addition of 100% made by the Assessing Office was reduced to 25% by the Commissioner of Income Tax (Appeals). This order of reduction was however never challenged by the Revenue before the ITA in this matter. It is only the Assessee who challenged the Commissioner (Appeal)'s order urging that the reduction should have been even greater.

6. In these circumstances, we do not think that the principle applied by us in admitting other Appeals would apply to the present Appeal.

7. If the Revenue was satisfied with the reduction up to 25% made by the Commissioner (Appeals), then, further the reduction up to 12.5% by the ITAT only gives rise to an issue of estimation. This cannot be regarded as a question of law much less a substantial question of law. In such circumstances, in fact, we have declined to admit the Appeals.

8. Accordingly, we dismiss this Appeal without any costs order as involving no substantial questions of law.

(Advait M Sethna, J) **(M.S. Sonak, J)**