Chaitanya

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

INCOME TAX APPEAL NO. 88 OF 2024

Pr. Commissioner of Income Tax 19 Mumbai … Appellant

Versus

Rajeshkumar Chunilal Jain … Respondent

Mr. Akhileshwar Sharma, for Appellant.

CORAM : M.S. Sonak & Advait M. Sethna, JJ.

DATED : 26 November 2025

PC:-

1. Heard Mr. Sharma for the Appellant.

2. The tax effect in this Appeal is Rs.2,98,399/- i.e. much below the sealing of Rs.2 crores. However, Mr. Sharma submits that since the matter pertains to bogus purchasers, the same would be covered by the exceptions under the CBDT Circular.

3. Without going into the issue of whether the matter is covered under the CBDT Circular, we have heard Mr. Sharma on merits.

4. In this case, the Assessing Officer, on the ground of bogus purchases, made an addition of only 12.5%. Now, the

ITAT has remanded the matter to the Assessing Officer to decide whether this estimation is correct or whether the same should be lower. Incidentally, the addition of only 12.5% was not challenged by the Revenue.

5. In similar circumstances, we have declined to admit Appeals under Section 260A on the ground that they involved only questions to estimation and give rise to no substantial questions of law. Some of the Appeals dismissed including Income Tax Appeal Nos. 517 of 2021 and 528 of 2021, disposed of on 02 January 2025.

6. For all the above reasons, we dismiss this Appeal as involving no substantial question of law.

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