IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO. 958 OF 2024

Pr. Commissioner of Income Tax
Central - 4 .. Appellant

Versus

Pankaj Aluminium Industries Pvt Ltd .. Respondent

Mr. Suresh Kumar, *Advocates for the Appellant.*

Ms. Mrunal Parekh *(through VC) i/b DMD Advocates, Advocates for the Respondent.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JULY 23, 2025

P. C.

1. The above Appeal has been placed on board "for directions" today because we have found that the tax effect in this Appeal is less than Rs.2 Crores as stated in the CBDT Circular No.09 of 2024 dated 17th September 2024.

2. Mr. Suresh Kumar, the learned counsel appearing on behalf of the Revenue submitted that the present Appeal was filed on 28th December

2022. He submitted that when this Appeal was filed, the monetary limit was only Rs.1 Crore and the amount involved in this Appeal is more than Rs. 1 Crore. Accordingly, he submitted that there was no infirmity in filing or prosecuting this Appeal.

3. Mr. Suresh Kumar, further submitted that the exceptions for not filing or prosecuting Appeals below the monetary limits was introduced by CBDT Circulars and letters issued from time to time. He referred to Circular dated 15th March 2024 and submitted that the present Appeal would fall within one of the excepted categories mentioned in the said Circular. Consequently, he submitted that the above Appeal can be entertained notwithstanding that it is below the monetary limit as set out in the CBDT Circular dated 17th September 2024.

4. We have considered the Revenue's contentions. The precedent on this subject/contention of the Revenue, is set out in the case of ***the Principal Commissioner of Income Tax v/s Premier Industrial Corporation Ltd [(2025) 172 Taxmann.com 289 (Bom)].*** Paragraphs 7 and 8 of this decision read thus:-

> *"7. The CIT v. V. M. Salgaonkar and Brothers (P) Ltd. [2024] 169 taxmann.com 597 (Bombay), our orders dated 05 February 2025 in Income Tax Appeal No. 643 of 2018 concerning Pr. CIT v. IPL Loan Trust [2025] 171 taxmann.com 725 and connected matters and order dated 12 February 2025 in Income Tax Appeal No.1998 of 2018 (Pr. CIT v. Axis AD Print Media (India) Ltd.) and connected appeals hold that the monetary limits prescribed in CBDT circulars would apply to pending appeals. Still, the exceptions carved out by the CBDT circulars would apply only prospectively i.e. from the date of the introduction of such exception.*
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> *8. Admittedly, before 20 August 2018, these appeals were not covered by any exceptions. However, these appeals were filed because they were beyond the monetary limits prescribe then. The monetary limits have now been revised. These revised monetary limits would also apply to the pending appeals as held in the above precedents. By applying the revised monetary limits to the pending appeals and noting that the exception upon which the Revenue relies was unavailable before 20 August 2018, we uphold the objection on behalf of the assessee and dispose of these two appeals without any cost orders".*
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> *(emphasis supplied)*

5. As can be seen from this reproduction, this Court has time and again held that the monetary limits prescribed in the CBDT Circulars will apply to pending Appeals as well. In other words, for the purposes of the monetary limits, the Circular dated 17th September 2024 would apply to the present Appeal. However, this Court has held time and again that the exceptions carved out by the CBDT Circulars would apply only prospectively and would have no application, if they were introduced after the filing of the Appeal. Admittedly, in the present case, the Appeal was filed on 28th December 2022, while the exception the Revenue relies upon was introduced

vide Circular dated 15th March 2024. Hence, the exception relied upon by the Revenue in the Circular dated 15th March 2024 cannot be a justification for prosecuting the above Appeal that was filed on 28th December 2022.

6. In light of the aforesaid discussion, this Appeal is accordingly disposed of because the tax effect is below the monetary limits as set out in the CBDT Circular dated 17th September 2024. However, there shall be no order as to costs.

7. We however, make it clear that the questions of law as projected by the Revenue in the above Appeal are kept open to be considered in an appropriate case.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] [B. P. COLABAWALLA, J.]

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