Sayali

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

INCOME TAX APPEAL NO. 555 OF 2025

Pr. Commissioner of Income Tax 1 Pune …Appellant

Versus

Sikandar and Company …Respondent

Mr Arjun Gupta, for Appellant

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

DATED: 11 November 2025

PC:-

1. Heard Mr. Arjun Gupta for the Appellant.

2. The tax effect in this Appeal is Rs.3,16,633/-. However, Mr. Gupta relies on the exception carved out in CBDT Circular No. 03 of 2018 dated 11 July 2018, because the assessment was reopened based on the Revenue Audit Objection.

3. Though the institution of this Appeal may have been proper, we still have to take cognizance of CBDT's further Circular No. 05 of 2024 dated 15 March 2024, wherein the exception based on the Revenue Audit Objection has been omitted. The CBDT Circular No. 05 of 2024 applies to pending Appeals.

4. Accordingly, on the ground of low tax effect, we dispose of this Appeal by keeping the question of law raised therein open.

5. For this view, we also draw sustenance from the decision of the Co-ordinate Bench in the case of **Commissioner of Income Tax Vs. V. M. Salgaonkar and Brothers Pvt. Ltd**[1] **.**

6. The Appeal is disposed of on the ground of low tax effect leaving the question of law open.

7. No costs.

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

1 [2024] 169 Taxman.coom 597 (Bombay)