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

INCOME TAX APPEAL(IT) NO. 360 OF 2024

Income Tax Officer 41-2-2 Mumbai ...Appellant
Versus
Jaiprakash Dhirjlal Barbhaya -
Ay 2010-11 Ita 475-mum-2023 ...Respondent

Ms. Sushma Nagaraj, a/w Abhinav Palsikar, for Appellant.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.
DATED : 03 December 2025

P.C.:-

1. Heard Ms. Nagaraj, learned counsel for the appellant

2. This appeal is relates to the Assessment Year 2010-2011 and challenges the ITAT order dated 12 July 2023 allowing the respondent assessee's appeal and deleting penalty of Rs.15,23,169/-.

3. Accordingly, the tax effect in this appeal is much less than Rs.2 Crore. Still, Ms. Nagaraj relied upon the exceptions in the CBDT circular, without going into the issue of whether such exceptions were indeed apply, we have heard on merits. Upon hearing Ms. Nagaraj, we are satisfied that this appeal involves no substantial questions of law. Ultimately, in this matter, the Assessing Officer, had made an estimation and base thereon, imposed a penalty. This estimation was interfered with by the ITAT. This means that the issue involved relates mainly to estimation and gives rise to those questions of law, much less, any substantial questions of law.

4. In similar circumstances, we had declined to admit Income Tax Appeal No. 2577 of 2019 in (The Pr. Commissioner of Income Tax-25 Vs. Hanuman Singh Rathore) which was disposed of on 29 April 2025.

5. For the above reasons, we dismiss this appeal as involved no substantial questions of law. No costs.

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