Pallavi

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

INCOME TAX APPEAL(IT) NO. 792 OF 2024

Commissioner of Income Tax Exemptions Mumbai ...Appellant
Versus
Sangit Kala Kendra Ay 2015-16 ITA No.773-MUMBAI -2023 ...Respondent

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Mr. Dinesh Gulabani (Thr. VC), for Appellant.
Mr. Shruti Kalyanikar, for Respondent.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.
DATED : 6 November 2025

P.C.:-

1. The tax effect in this case is less than Rs.2 Crores.

2. However, Mr. Gulabani submitted that the order impugned was made in exercise of powers under Section 263 of the Income Tax Act. He also submitted that the assessment was based on an audit objection. Therefore, the exceptions in Circular No.3 of 2018 dated 11 July 2018 would be attracted.

3. In this case, though the order may have been made in the exercise of revisional jurisdiction, the tax effect is quantified and such quantified tax effect is less than Rs.2 Crores. Besides, the exception based on audit objection was no longer continued in CBDT Circular No.5 of 2024 dated 15 March 2024 which applies to pending appeals.

4. Accordingly, we dispose of this Appeal on the ground of low tax effect by leaving the question of law open. No costs.

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