



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO. 1718 OF 2018

Pr. Commissioner of Income Tax-12
Mumbai

.. Appellant

Versus

M/s. Hans Chemicals Pvt Ltd

.. Respondent

Ms. Shilpa Goel, Advocates for the Appellant.

Mr. Rahul Hakani, Advocates for the Respondent.

ANJALI
TUSHAR
ASWALE

Digitally signed by
ANJALI TUSHAR
ASWALE
Date: 2025.06.12
17:03:38 +0530

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JUNE 11, 2025

P. C.

1. In the above Appeal, the learned counsel for the Assessee at the outset submits that the tax effect in this Appeal is less than Rs. 2 Crores, and therefore, this Appeal should be disposed of.

2. On the other hand, the learned counsel for the Revenue submitted that the present Appeal was filed on 25th May 2018. She submitted that when filing this Appeal, the monetary limit was only Rs.50 Lakhs and the amount involved in this Appeal is Rs.74.69 Lakhs. Accordingly, she submitted that there was no infirmity in filing or prosecuting this Appeal. The

learned counsel further submitted that the exceptions to the rule of not filing or prosecuting the above Appeal below the monetary limits was made by the CBDT Circulars and letters issued occasionally. She referred to the letter dated 20th August 2018 in which this Appeal would fall within the exempted category. She also submitted that the tax effect in this Appeal was beyond the prescribed monetary limits and in any event fell within the exempted category provided in the CBDT letter dated 20th August 2018. Consequently, she submitted that the Assessee's objection for entertaining this Appeal be overruled.

3. We have considered the rival contentions. The precedents on the subject set out at paragraphs 7 and 8 of the decision rendered in ***the Principal Commissioner of Income Tax v/s Premier Industrial Corporation Ltd [(2025) 172 taxmann.com 289 (Bom)]*** 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.

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 prescribed 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."

(emphasis supplied)

4. This Appeal is accordingly disposed of because the tax effect is below the monetary limits set out by the CBDT. No order as to costs.

5. We, however, make it clear that the questions of law be kept open to be considered in an appropriate case.

6. 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.]