NC: 2026:KHC-D:2847-DB
ITA No. 100050 of 2018

HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

INCOME TAX APPEAL NO. 100050 OF 2018

BETWEEN:

1. THE PR COMMISSIONER OF INCOME TAX,
   DR. B. R. AMBEDKAR ROAD,
   OPP: CIVIL HOSPITAL, BELAGAVI.

2. ASST. COMMISSIONER OF INCOME TAX,
   CIRCLE-1, DR. B.R. AMBEDKAR ROAD,
   BELAGAVI.

… APPELLANTS

(BY SRI. M. THIRUMALES, ADVOCATE)

AND:

ABHAYKUMAR BHARAMGOUDA PATIL,
24, MALINI, BASUVAN GALLI,
HOSUR, SHAHPUR,
BELAGAVI – 560 003.
PAN: ACAPP 6762 G.

… RESPONDENT

(BY SRI. RAVIRAJ C. PATIL, ADVOCATE
FOR SRI. SHRIPRASAD J. JOSHI,
& SMT. VIDYASHREE ISULDHAL, ADVOCATES)

THIS INCOME TAX APPEAL IS FILED UNDER SECTION 260A OF THE INCOME TAX ACT, 1961 PRAYING TO FORMULATE THE SUBSTANTIAL QUESTION OF LAW STATED ABOVE AND TO ALLOW THE APPEAL AND SET ASIDE THE ORDERS PASSED BY THE INCOME TAX APPELLATE TRIBUNAL, PANAJI BENCH, PANAJI IN ITA NO.37/ PANAJI/ 2018, DATED 13.04.2018 AND CONFIRM THE ORDER DATED 28.03.2014 PASSED BY THE ASST. COMMISSIONER OF INCOME TAX OFFICER, CIRCLE-1, BELAGAVI FOR THE A.Y 2011-12 AND ETC.,

THIS APPEAL, COMING ON FOR FINAL HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Learned counsel appearing for the appellant submits that, upon verification, it is found that the tax effect involved in the composite order of the Tribunal appealed is less than ₹.2,00,00,000/- (rupees two crores only). Hence, the revenue cannot pursue the appeal in view of the Circular No.9 of 2024, dated 17.09.2024 issued by the Central Board of Direct Taxes.

2. However, he submits that liberty may be granted to revive the appeal in the event the matter falls within any of the exceptions provided under the aforesaid Circular dated 17.09.2024.

3. In view of the aforesaid submissions, the appeal is disposed of with liberty, as prayed for by the learned counsel for the revenue. However, the question of law is kept open to be adjudicated in an appropriate proceeding.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

VNP / CT: ASC
List No.: 1 Sl No.: 33