

Pr. Commissioner of Income Tax-II, Lucknow v. M/s. U.P. Asbestos, Lucknow (ITA No. 31 of 2017)

Income Tax Appeal No. 31 of 2017

2025:AHC-LKO:13174-DB | Income Tax Appeal No. 31 of 2017 | 2025-03-04

Low-tax-effect withdrawal under CBDT Circular dated 17.09.2024: where tax effect is Rs. 1,32,06,844 for AY 2012-13 and Rs. 1,12,48,694 for AY 2013-14 (below the Rs. 2 crore threshold), Revenue permitted to withdraw ITA No. 31 of 2017.

Income-tax Act, 1961: sections 260A and 268A | CBDT Circular No. 9/2024 dated 17.09.2024

High Court of Judicature at Allahabad (Lucknow Bench) | 2-judge bench (Division Bench) | Rajan Roy, J. | Om Prakash Shukla, J.

Assessment years: 2012-13, 2013-14

Shares neutral citation 2025:AHC-LKO:13174-DB with companion ITA No. 30 of 2017 decided on the same day

Both ITA No. 31 of 2017 and companion ITA No. 30 of 2017 (20250304_UPHCo20022612017.pdf) print the same neutral citation string '2025:AHC-LKO:13174-DB' and record the exact tax effects for AY 2012-13 (Rs. 1,32,06,844) and AY 2013-14 (Rs. 1,12,48,694).

01 FACTS OF THE CASE

In Income Tax Appeal No. 31 of 2017 filed by PCIT-II, Lucknow against M/s. U.P. Asbestos, Lucknow, counsel for both parties jointly submitted on 04.03.2025 that the tax effect for AY 2012-13 was Rs. 1,32,06,844 and for AY 2013-14 was Rs. 1,12,48,694, both below the Rs. 2 crore monetary threshold under the Ministry of Finance / CBDT Circular dated 17.09.2024.

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02 DISCUSSION BY THE HON'BLE COURT

Accepting the joint submission of counsel that the appeal was covered by the CBDT Circular dated 17.09.2024, the Division Bench granted the appellant Revenue permission to withdraw the appeal.

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03 JUDICIAL DECISION

Granted permission for withdrawal and dismissed Income Tax Appeal No. 31 of 2017 as withdrawn.

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04 OUTCOME / IN WHOSE FAVOUR

Assessee (by withdrawal) - Revenue's appeal dismissed as withdrawn under CBDT Circular dated 17.09.2024.

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05 AKHB REVIEW POINT

AKHB analysis: low-tax-effect withdrawal under CBDT Circular No. 9/2024 dated 17.09.2024 where each assessment year's tax effect (Rs. 1.32 crore and Rs. 1.12 crore) is below the Rs. 2 crore High Court threshold.

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SOURCE & VERIFICATION

[High Court of Judicature at Allahabad \(Lucknow Bench\) official judgment PDF - AKHB Cloud Repository \(20250304_UPHCo20439812017.pdf\)](#)

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STATUTORY SCOPE

Applies sections 260A and 268A of the Income-tax Act, 1961 read with CBDT Circular dated 17.09.2024 for AYs 2012-13 and 2013-14. Income-tax Act, 2025 equivalence is not verified.

LATER TREATMENT

Source checked 2026-10-18. Full primary judgment PDF read page-by-page and verified against the AKHB Google Drive repository. Comprehensive subsequent judicial treatment has not been independently verified.

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