IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 8/6/2016

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice D.Krishnakumar

Tax Case Appeal No.610 of 2014

The Commissioner of Income Tax
Chennai. ... Appellant/Respondent

Vs

M/s.Intimate Fashions (India) Pvt Ltd
C/o.S.Venkatram & Co, Cas
218 TTK Road
Alwarpet
Chennai 600 018. ... Respondent/Appellant

Prayer: Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai dated 28/6/2012 in ITA No.2108/Mds/2011 and against the order passed by the Assistant Commissioner Income Tax; Company Circle II(3) chennai-34 in PAN/GIR NO.AAACI2706C dated 28/09/2011 and against the Income Tax Officer(HO), (International Taxation) Chennai-34 in PAN.No.AAACI2706C dated 19/8/2011 for the Assessment year 2007-2008.

For appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel
for Income Tax.

For respondent : No appearance

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J U D G M E N T

(Judgment of the Court was made by S.Manikumar,J)

This Appeal has been filed against the order of the Income Tax Appellate Tribunal, 'B' Bench, Madras, dated 28/6/2012.

2. The substantial questions of law raised in the instant appeal are:-

"1. Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the additions made on account of revision in Arms Length Price which resulted in adjustment of Rs.60,43,329/- for the assessment year 2006 - 2007 and Rs.11,03,219/- for the assessment year 2007 - 08 was not proper?

2. Whether on the facts and in the circumstances of the case, the income tax Appellate Tribunal was right in holding that the computing deduction under Section 10 B, freight, telecommunication charges incurred in foreign exchange are to be excluded from the total turnover?"

3. Mr.T.R.Senthil Kumar, learned Senior Standing Counsel for Income Tax submitted that the tax implication in the instant appeal is less than the ceiling limit fixed by the Circular bearing No.21 of 2015, dated 10/12/2015. He further submitted that as per the Circular, Tax Appeals have been instructed to be withdrawn, subject to the matters covered under the Circular.

4. Placing on record the above submissions, while dismissing the Tax Case Appeal No.610 of 2009, as withdrawn, substantial questions of law raised are left open. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
1.The Commissioner of Income Tax
Chennai

2.The Income Tax Appellate Tribunal
Madras B Bench Chennai

3. The Assistant Commissiooner Income Tax
Company Circle II(3) Chennai-34

4.The Income Tax Officer(HO)
(International Taxation)
Chennai-34

Tax Case Appeal No.610 of 2014

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