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.1012 of 2015

The Commissioner of Income Tax
Central I
No.109 Nungambakkam High Road
Chennai 600 034. ...Appellant/Respondent

Vs

R.Srinivasan ...Respondent/Appellant

Prayer: Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 15/5/2015 in ITA No.2109/Mds/2014 against the order of the Commissioner of Income Tax (Appeals)-II, Coimbatore, in ITA NO.80/2011-2012 dated 30.06.2014 against the order of the Deputy Commissioner of Income Tax, Central Circle-I, Coimbatore, dated 07.12.2010 i PAN/GIR No.AAIPS8386H.

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

For respondent : Mr.N.V.Balaji

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, 'A' Bench, Madras, dated 15/5/2015.

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 Appellate Tribunal was right in cancelling the penalty levied under Section 271 [1][c] on the deemed income chargeable under Section 2 [22] [e] of the Income Tax Act, which was admitted in the revised return of income filed by the assessee but the appropriate taxes was not paid by the assessee?

2. Whether on the facts and circumstances of the case the Appellate Tribunal is correct in cancelling the penalty levied under Section 271 [1] [c] when the explanations offered by the assessee are not bona fide and deliberate failure on the part of the assessee to offer the deemed income?"

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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the Circular.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 Placing on record the above submissions, while dismissing the Tax Case Appeal No.1012 of 2015, as withdrawn, substantial questions of law raised are left open. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.
To
1. The Income Tax Appellate Tribunal,
Madras 'A'Bench, Chennai.

2. The Commissioner of Income Tax (Appeals)-II, Coimbatore.

3. The Deputy Commissioner of Income Tax, Central Circle-I, Coimbatore.

+ 1 cc to Mr.T.R. Senthilkukar, Sr. Standing Counsel, SR.30735
+ 1 cc to Mr.N.V. Balaji, Advocate SR.30481

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GJ(CO)
EU 23.06.16