In the High Court of Judicature at Madras

Dated : 10.2.2016

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and
The Honourable Mr.Justice N.KIRUBAKARAN

Tax Case Appeal No.1117 of 2015

M/s.Procon Instrumentation Pvt. Ltd., Chennai-2. ...Appellant/Appellant

Vs

The Assistant Commissioner of Income Tax, Company Circle-V(2), Chennai. ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 28.11.2014 made in I.T.A.No.1648/Mds/2013 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment year 2006-07 preferred against the order of the Commissioner of Income Tax Appeals V, Chennai-34 made in ITA.No.292/2010-11 dated 14.9.2012 against the order of the Assistnt Commissioner of Income Tax, Company Circle V(2) Chennai made in PAN.No.AAACP5175A dated 30.11.2000.

For Appellant : ***Mr.M.P.Senthil Kumar**

For Respondent : Mr.T.Ravikumar

JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J

This tax case appeal arises out of the dismissal of a petition for condonation of delay by the Income Tax Appellate Tribunal.

2. Heard Mr.M.P.Senthilkumar, learned counsel for the appellant and Mr.T.Ravikumar, learned Standing Counsel for the Department.

3. The only question of law arises for consideration is as to whether the order of the Tribunal in refusing to condone the delay is correct or not ?

4. In the affidavit in support of the condone delay petition, the appellant had explained the difficulties faced by them, which led to the delay in filing the appeal. Therefore, the Tribunal could have taken a practical approach. It is repeatedly held that while dealing with the petitions for condonation of delay, pedantic approach should not be adopted. On merits, the matter related to computation of book profits under Section 115JB. Hence, the matter was worthy of consideration by the Tribunal.

5. Accordingly, the tax case appeal is allowed and the order of the Tribunal is set aside. The Tribunal is directed to number the appeal and take it up for hearing in the usual course. No costs.

Sd/-
Asst.Registrar (CCC)
Dated : 25.02.2016

***Order is corrected.**
Sd/- Assistant Registrar(CS IV)
Dated : 22.04.2016

/true copy/

Sub Asst. Registrar

To

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

2.The Assistant Commissioner of Income Tax, Company Circle-V(2), Chennai.

3.The Commissioner of Income Tax (Appeals)V Chennai

4.The Commissioner of Income Tax Company Circle (2), Chennai

To be substituted to the Order already despatched on 18.03.2016

1 cc to Mr.T. Ravikumar, Advocate, Sr. 8580
1 cc to Mr. Philip George, Advocate, Sr. 8725

TCA.No.1117 of 2015

KGK (CO)
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CA(22.04.2016)