IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.06.2016

C O R A M

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

Tax Case Appeal No.723 of 2015

The Commissioner of Income Tax,
Coimbatore. ... Appellant

Vs

M/s.Ramaswamy Naidu and Rama
Ranganathan Charities,
#54, Uppilipalayam Post,
Coimbatore - 641 015. ... Respondent

Prayer in TCA No.723/15: Appeal filed under section 260 A f Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 12.12.2014 in ITA No.2224/Mds/2014 (Assessment Year 2010-11) against the order of the Commissioner of Income tax (Appeals)-I, Coimbatore, dated 04.06.2014 and made in Appeal No.42/13-14, against the order of the Income tax Office, Company Ward - I, Coimbatore, dated 31.01.2013 and made in PAN No.AAATR 2860H for the Assessment year 2010-2011.

For appellant : Mr.S.Rajesh
Jr. Standing Counsel for Income Tax.

For respondent : Mr.R.Meenakshi Sundaram

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 12.12.2014 in ITA No.2224/Mds/2014 for the Assessment Year 2010-11.

2. The substantial question of law raised in the instant appeal is:-

“Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the assessee is entitled to claim depreciation on the assets, even though the cost of purchase of asset was already treated as application of income under Section 11?"

3. Mr.S.Rajesh, learned Junior 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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the circular.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 Placing on record the above submissions, while dismissing the Tax Case Appeal No.723 of 2015, as withdrawn, substantial question of law raised is left open. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
Madras Á'Bench, Chennai.

2.The Commissioner of Income tax, (Appeals)-I,
Coimbatore.

3. The Income tax Officer,
Company Ward I,
Coimbatore.

1 cc to Mr.J.Narayanasamy, Advocate, sr.34538
1 cc to Mr.J.Balachander, Advocate, sr.34585

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