IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.06.2016

C O R A M

The Honourable **Mr.Justice S.MANIKUMAR**
and
The Honourable **Mr.Justice D.KRISHNAKUMAR**

Tax Case Appeal No.1089 of 2008

The Commissioner of Income Tax,
Chennai ... Appellant

Vs

M/s.P.A.Footwear Pvt Ltd.,
1031-A, 44th Street, TVS Colony,
Anna Nagar West Extn.
Chennai - 600 101 ... Respondent

Prayer : Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 11.01.2008 in ITA No.768/Mds/2007 (Assessment Year 2002-03).

For appellant : Mr.T.Ravikumar
Sr. Standing Counsel for Income Tax.

For respondent : Mr.S.Sridhar

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, Chennai, dated 11.01.2008 in ITA No.768/Mds/2007 for the Assessment Year 2002-03.

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

> "Whether in the facts and circumstances of the case, the tribunal was right in allowing deduction u/s 80HHC on the basis of book profits u/s 115JB and not on the basis of eligible profits u/s 80HHC as per normal computation?"

3. Mr.T.Ravikumar, 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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the circular and there is no audit objection also.

4. Placing on record the above submissions, while dismissing the Tax Case Appeal No.1089 of 2008, as withdrawn, substantial question of law raised is left open. No costs.

(S.M.K.,J) (D.K.K.,J)
29.06.2016

ars
Index: yes/No
website: Yes/No.

S.MANIKUMAR,J

a n d

D.KRISHNAKUMAR,J

ars

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