IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29/6/2016

C O R A M

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

Tax Case Appeal No.1471 of 2008

The Commissioner of Income Tax
Tamil Nadu – III
Madras. ... Appellant

Vs

M/s.Reliance Tobacco Ltd
"Chaitanya" II Floor No.21
Khader Nawaz Khan Road
Chennai 600 006. ... Respondent

Prayer: Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai dated 31/12/2007 in ITA No.2352/Mds/2006.

For appellant : Mr.T.Ravikumar
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 10/4/2008.

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 law, in restricting the disallowance to 50% of the business expenditure, even though the assessee has stopped its business activity in the year 1989 – 90 is valid?
>
> 2. Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in restricting the disallowance of 50% even though the assessee partakes the nature of income from house property and none of the expenses related to business expenditure?"

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 He further submitted that as per the Circular, Tax Case Appeal has been instructed to be withdrawn.

4. Placing on record the above submissions, while dismissing the Tax Case Appeal No.1471 of 2008, as withdrawn, substantial questions of law raised are left open. No costs.

(S.M.K.,J) (D.K.K.,J)
29th June 2016.

mvs.

Index: yes/No

website: Yes/No.

S.MANIKUMAR,J

a n d

D.KRISHNAKUMAR,J

mvs.

Tax Case Appeal No.1470 of 2008

29/6/2016