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.1452 of 2007

The Commissioner of Income Tax,
Tamilnadu-I, Madras ... Appellant

Vs

M/s.Cavinkare P.Ltd.,
130, Peters Road, Chennai - 86 ... Respondent

Prayer : Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 22.06.2007 in ITA No.1481/Mds/2005 (Assessment Year 1999-2000).

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

For respondent : Mr.R.Siva Raman

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 22.06.2007 in ITA No.1481/Mds/2005 for the Assessment Year 1999-2000.

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

> "(i). Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the notice under Section 148 of the Income Tax Act will not restrict the time limit prescribed under Section 139(5) of the Income Tax Act, to file a revised return, revising the original return of income?
>
> (ii) Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in sustaining the order of the Commissioner of Income Tax (Appeals) and allowing the claim of the assessee in the revised return, regarding the disallowance made under Section 40-A(7) of the Income Tax Act and the amount paid to the LIC Employees Gratuity Scheme, is valid?"

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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the circular and there is no audit objection also.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 Placing on record the above submissions, while dismissing the Tax Case Appeal No.1452 of 2007, as withdrawn, substantial questions of law raised are left open.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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