IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.12.2016

CORAM

THE HON'BLE MR.JUSTICE **HULUVADI G. RAMESH**
AND
THE HON'BLE DR.JUSTICE **ANITA SUMANTH**

Tax Case (Appeal) No.1475 of 2007

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

Vs.

M/s.Saleem Leathers and Shoe Exports,
Chennai ... Respondent

Tax Case Appeal filed under Sec. 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 7.12.2006 in ITA No.3328/Mds/04.

For Appellant : Mr.T.R.Senthilkumar
Standing Counsel

JUDGMENT

(DELIVERED BY **Anita Sumanth, J.,**)

The Tax Case Appeal filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 7.12.2006 in ITA No.3328/Mds/04, has been admitted on 4.12.2007 for consideration of the following substantial questions of law:-

"(i) Whether on the facts and circumstances of the case, the Tribunal was right in holding that the written down value cannot be varied by applying Explanation 10 to Section 43(1) of the Income Tax Act, for the assessment year 2001-02, as the subsidy was granted in 1997 ?

(ii) Whether on the facts and circumstances of the case, the Tribunal was right in not considering or following the Supreme Court's ruling in the case of Saharanpur Electric Supply Co. Ltd., vs. C.I.T. ((1992) 194 ITR 294), when it was specifically raised as a ground of appeal?"

2. Mr.T.R.Senthilkumar, learned Standing Counsel appearing for the appellant states that the value involved in the appeal is below the monetary limit prescribed in Circular No.21/2015, dated 10.12.2015 issued by the Department, for filing appeals.

3. Accordingly, the Tax Case Appal stands dismissed as not pressed, preserving the substantial questions of law for determination in an appropriate case. No costs.

(H.G.R.,J.) (A.S.M.,J.)
5.12.2016

ssk.

HULUVADI G. RAMESH, J.
and
Dr.ANITA SUMANTH,J.

ssk.

T.C.A.NO.1475 OF 2007

5.12.2016