

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15/6/2016

C O R A M

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

Tax Case Appeal No.1910 of 2008

The Commissioner of Income Tax
Coimbatore.

...

Appellant

Vs

Shri.M.Krishnan
137 D.B.Road
R.S.puram
Coimbatore 2.

...

Respondent

Prayer: Appeal filed against the order of the Income Tax Appellate
Tribunal, Madras 'D' Bench, Chennai dated 9/5/2008 in ITA
No.2781/Mds/2005.

For appellant : Mr.T.R.Senthil Kumar
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, 'D' Bench, Madras, dated 9/5/2008.

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 Tribunal was right in law in holding that the payment of Rs.14.25 lakhs for vacating the premises taken on lease is revenue expenditure, even though the compensation paid by the assessee for getting the premises vacated was capital expenditure?

2. Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the interest on loan taken from the Bank

for purchase of shares to the tune of
Rs.8,32,950/- is allowable as Revenue
Expenditure is valid?"

3. Mr.T.R.Senthil Kumar, 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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the circular.

4. Placing on record the above submissions, while dismissing the Tax Case Appeal No.1910 of 2008, as withdrawn, substantial questions of law raised are left open. No costs.

(S.M.K.,J) (D.K.K.,J)
15th June 2016.

mvs.

S.MANIKUMAR,J

a n d

D.KRISHNAKUMAR,J

mvs.

Tax Case Appeal No.1910 of 2008

15/6/2016