IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM

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

Tax Case (Appeal) No.482 of 2008

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

Vs.

M/s. Oriental Hospital Ltd.,
No.41, First Main Road,
Narayanapuram West, Madurai. ... Respondent

Tax Case Appeal filed under Sec. 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'D' Bench, Chennai, dated 21.09.2007 in ITA No.1175/Mds/2006.

For Appellant : Mr.M.Swaminathan,
Senior Standing Counsel
For Respondent : Mr.R.Vijayaraghavan for
M/s.Subbaraya Aiyar

JUDGMENT

(Judgment of the Court was delivered by Dr.Anita Sumanth, J.,)

The Tax Case Appeal filed by the Revenue calls in question the correctness of an order passed by the Income Tax Appellate Tribunal, Madras 'D' Bench, Chennai, dated 21.09.2007 in ITA

No.1175/Mds/2006. The appeal has been admitted on 2.07.2008 for consideration of the following substantial question of law:

> "Whether on the facts and in the circumstances of the case, that the carried forward business losses can be set off against income from other sources?"

2. Mr.M.Swaminathan, learned Senior Standing Counsel appearing for the appellant would state that the tax effect involved in the appeal is below the monetary limit for filing appeals, prescribed by the Central Board of Direct Taxes in Circular No.21/2015, dated 10.12.2015.

3. Accordingly, the Tax Case (Appeal) is dismissed as not pressed, preserving the substantial question of law for determination in an appropriate case. No costs.

(H.G.R.,J.) (A.S.M.,J.)
21.12.2016

ssk.

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

ssk.

T.C.A.No.482 of 2008

21.12.2016