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.844 of 2013

The Commissioner of Income Tax,
Chennai ... Appellant

Vs

M/s.Ontrack Systems Ltd.,
Bhatad Towers, Office No.1,
3rd Floor, 30 West Cott Road,
Royapettah, Chennai - 14 ... Respondent

Prayer : Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 26.03.2013 in ITA No.2098/Mds/2011 (Assessment Year 2002-03)which was filed against this order of the Commissioner of Income Tax (Appeals) in ITA.No.466/20-11 dated 16.09.2011.

against the Assessment order for the Assessment Year 2002-03 in PAN.AAAC000679E/51089-P dated 26.11.2007 passed by the Asst. Commissioner of Income Tax, Company Circle V(1) Chennai-34.

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

For respondent : No appearance

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 26.03.2013 in ITA No.2098/Mds/2011 for the Assessment Year 2002-03.

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

> "Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that brought forward unabsorbed depreciation and losses of the unit, the income of which is not eligible for deduction under Section 10A

of the Income Tax Act cannot be set off against the current profits of the eligible unit while computing the deduction under Section 10A of the Act?"

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 He further submitted that as per the Circular, Tax Case Appeals have been instructed to be withdrawn, subject to the matters covered under the circular and there is no audit objection also.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 Placing on record the above submissions, while dismissing the Tax Case Appeal No.844 of 2013, as withdrawn, substantial question of law raised is left open. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Madras 'A' Bench Chennai.

2. The Assistant Commissioner of Income Tax,
   Company Circle -V(1) Chennai - 34.

3. The Commissioner of Income Tax(Appeals)-VI,
   Chennai-34.

+ 1 cc to Mr.T. Ravikumar, Advocate SR.36231

Tax Case Appeal No.844 of 2013

CTK(CO)
Eu 27.6.16