IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29/6/2016

C O R A M

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

<u>Tax Case Appeal No.370 of 2006</u>

The Commissioner of Income Tax
Chennai. ... Appellant

Vs

Shri A.Balaram
rep. By Shri A.Balaji
154 Kutchery Road
Chennai 4. ... Respondent

<u>Prayer:</u> Appeal filed against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai dated 7/10/2005 in ITA No.956/Mds/96.

For appellant : Mr.T.Ravikumar
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, 'A' Bench, Madras, dated 7/10/2005.

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

> “Whether on the facts and circumstances of the case, the Tribunal is right in holding that investment in construction of a commercial complex is sufficient to claim the benefit of Sec.54F of the Income Tax Act?”

3. Though Mr.T.Ravikumar, learned Senior Standing Counsel for Income Tax Department made submissions on the substantial questions of law, on going through the materials on record, we find that the tax demanded inclusive of interest is Rs.3,32,032/- and that the same falls within the ambit of Circular bearing No.21 of 2015, dated 10/12/2015.

4. In the light of the aforesaid Circular, while dismissing the Tax Case Appeal No.370 of 2006, substantial question of law raised is left open. No costs.

(S.M.K.,J) (D.K.K.,J)
29th June 2016.

mvs.

Index: yes/No

website: Yes/No.

S.MANIKUMAR,J

a n d

D.KRISHNAKUMAR,J

mvs.

Tax Case Appeal No.370 of 2006

29/6/2016