IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.1.2017

CORAM

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

Tax Case (Appeal) No.505 of 2014

Commissioner of Income Tax
Salary Ward, Chennai. ...Appellant/Appellant

Vs.

Smt.Sasikala
PAN: AAEPR 6335F ...Respondent/Respondent

Tax Case Appeal filed under Sec. 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai, dated 18.2.2014 in ITA No.2083/MDS/2013. Appeal against the Order passed by the Commissioner of Income tax (Appeal) II in ITA NO. 158/2012-13 dated 02/07/2013 agains the Assessment-Order of the Income Tax Officer salary Ward-II(3) Chennai dated 07/01/2013 for the Assessment year 2005-2006 in respect of PAN.NO. AAEPR 6335F.

For Appellant : Mr.M.Swaminathan
Standing Counsel
For Respondent : Ms.Bhavya for
M/s.Subbaraya Aiyar

JUDGMENT

The Tax Case Appeal filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai, dated 18.2.2014 in ITA No.2083/MDS/2013, has been admitted on 13.08.2014 for consideration of the following substantial questions of law:

"(i) Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the land sold by the assessee was agricultural in nature?

(ii) Whether in the facts and circumstances of the case, the Income Tax Appellate Tribunal was justified in not following the Apex Court's decision in the case of Sarifabibi - Vs - CIT (204 ITR 631), particularly when no agricultural activity was carried on by the assessee in the impugned land at any time in the past?

(iii) Whether on the facts and circumstances of the case, the Tribunal was correct in not considering the information furnished by the State Revenue Authorities and the Chennai Metropolitan Development Authority to the effect that the assessee's land is not agricultural in nature?"

2. Circular instruction issued by the Central Board of Direct Taxes No.21/2015, dated 10.12.2015 stipulates that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.20 lakhs. In the instant case, the tax effect is less than the monetary limit imposed and the appeal is, hence, dismissed as not pressed, preserving the substantial questions of law for determination in an appropriate case. No cost.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To
1. The Commissioner of Income Tax,
Salary ward, Chenenai.
2. The Commissioner of Income Tax,
Appeals II (OTD.CIT(A) IV)-Chennai-34
3. The Income Tax Officer,
Salary-Ward-II (3)- Chennai.

+1cc to Mr.M. Swaminathan SR. 4873

+1cc to Subbaraya Ayyar Padmanabham SR. 4861

T.C.A.No.505 of 2014

PVS(CO)
VR(1/03/2017)