IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:14.02.2017

Coram:

The Hon'ble Mr.Justice HULUVADI G.RAMESH
AND
The Hon'ble Dr. Justice ANITA SUMANTH

TAX CASE APPEAL No.1336 to 1338 of 2007

The Commissioner of Income Tax,
Tamilnadu-I, Madras .. Appellant in all appeals

Versus

M/s. FAL Industries Limited,
Perungudi,
Chennai-600 096. .. Respondent in all appeals

Tax Case Appeals filed under Section 260-A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal "A" Bench, Chennai dated 19th January 2007 passed in I.T.A.Nos.132, 133 and 134/Mds/2005.

For Appellant .. Mr.T.R.Senthil Kumar.

For Respondent .. Mr.R.Venkata Narayanan,
for M/s Subbaraya Aiyar

JUDGMENT

These Tax Case Appeals were filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, "A" Bench, Chennai dated 19th January 2007 passed in I.T.A.No.132, 133 and 134 /Mds/2005 has been admitted on 23.10.2007 for consideration of the following substantial questions of law:

HULUVADI G. RAMESH, J.
&

DR.ANITA SUMANTH, J.

msr

TCA.No.1336 of 2007:

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that, the interest under Section 234-D cannot be levied for the assessment year 1999-2000 is valid in law?"

TCA.No.1337 of 2007:

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that, the interest under Section 234-D cannot be levied for the assessment year 2000-2001 is valid in law?"

TCA.No.1338 of 2007:

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that, the interest under Section 234-D cannot be levied for the assessment year 2001-2002 is valid in law?"

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 costs.

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

14.02.2017

Index:Yes/No

msr

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