IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM

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

Tax Case Appeal No.1454 of 2008

The Commissioner of Income Tax
Tamil Nadu - 1
Chennai. .. Appellant

Vs.

Imperial Granites Pvt. Ltd.
76, Cathedral Road
Chennai 600 086, .. Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 28.12.2007 in ITA No.1343/MDS/2006.

For Appellant : Mr.T.R.Senthil Kumar
Standing Counsel

For Respondent : Not ready in notice

J U D G M E N T

(Delivered by the Hon'ble Acting Chief Justice)

The Tax Case Appeal filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 28.12.2007 in ITA No.1343/MDS/2006, has been admitted on 18.9.2006 for consideration of the following substantial question of law:

"Whether on the facts and in the circumstances of the case,

the Income Tax Appellate Tribunal was right in law in deleting the disallowance of bad debts made to the tune of Rs.43,87,594/- for the year 2002-2003 by the assessing officer 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 therefore, the learned Standing Counsel for the appellant seeks to withdraw this appeal. Hence, this appeal is dismissed as withdrawn. No costs.

Index : Yes/No
Internet : Yes/No

(H.G.R., ACJ) (A.S.M.,J.)
20.02.2017

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THE HON'BLE ACTING CHIEF JUSTICE
and
<u>ANITA SUMANTH,J.</u>

kpl

T.C.No.1454 of 2008.

20.02.2017.