IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.1.2017

CORAM

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

Tax Case (Appeal) Nos.343 to 346 of 2008

Commissioner of Income Tax
Chennai. ... Appellant

Vs.

M/s.Butterfly Home Agencies,
272, Anna Salai, Chennai 600 018. ... Respondent

Tax Case Appeals filed under Sec. 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 8.11.2004 in ITA Nos.202 to 205/Mds/98.

For Appellant : Mr.T.Ravikumar
Standing Counsel
For Respondent : Mr.Meenakshisundaram

COMMON JUDGMENT

(Judgment of the Court was delivered by Dr.Anita Sumanth, J.,)

The Tax Case Appeals filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, 8.11.2004 in ITA Nos.202 to 205/Mds/98, have been admitted on 18.06.2008 for consideration of the following substantial question of law:

"(i) Whether on the facts and circumstances of the case, the Tribunal was right in remanding the issue to verify whether the sister concerns have shown the interest credited by the assessee as received in their books, when the explanation to Sec.194A deems the crediting of any account in the books of account of the person liable to pay the interest to be the credit of such income to account of payee?"

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 cases, the tax effect is less than the monetary limit imposed and the appeals are, hence, dismissed as not pressed, preserving the substantial question of law for determination in an appropriate case. No cost.

(H.G.R.,J.) (A.S.M.,J.)
18.01.2017.

ssk.

HULUVADI G. RAMESH, J.
and
Dr.ANITA SUMANTH,J.

ssk.

T.C.A.Nos.343 to 346 of 2008

18.01.2017.