IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.02.2017

CORAM

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

T.C.A. NO. 575 OF 2008

Commissioner of Income Tax
Chennai. .. Appellant

- Vs -

Sundaram Fastners Ltd.
98-A, Dr.Radhakrishnan Salai
Mylapore. .. Respondent

Tax Case Appeal filed under Sec. 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 23.11.2007 in ITA No. 2477/Mds/06.

For Appellant : Mr. J.Narayanaswamy

For Respondent : Mr. P.J.Rishikesh

JUDGMENT

(DELIVERED BY DR.ANITA SUMANTH, J.)

The Tax Case Appeal filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 23.11.2007 in ITA No. 2477/Mds/06, has been admitted on 03.07.2008 for consideration of the following substantial questions of law:-

"i) Whether on the facts and circumstances of the case, the Tribunal was right in holding that interest u/s 234D cannot be charged in respect of the refund granted prior to the insertion of Section234D when the regular assessment was completed only subsequent to the insertion of Sec. 234D?

ii) Whether on the facts and circumstances of the case no interest can be charged even for the period subsequent to the introduction of Sec.234D merely on the ground that the refund was granted prior to its introduction?"

2. It is informed that 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. In such view of the matter, this appeal is dismissed as not pressed, preserving the substantial questions of law for determination in an appropriate case. No cost.

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

01.02.2017

Index : Yes / No

Internet : Yes / No

GLN

To

The Commissioner of Income Tax
Chennai.

HULUVADI G. RAMESH, J.
AND
ANITA SUMANTH, J.

T.C.A.NO.575 OF 2008

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