IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case (Appeal) Nos.1041 to 1048 of 2008

The Commissioner of Income-Tax,
Chennai. ... Appellant in all the Appeals

-vs-

Smt.Jayapradha,
1, Hindi Prachar Sabha Road,
T.Nagar, Chennai-93. ... Respondent in all the Appeals

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal Bench "B", Chennai, dated 24.08.2007 in I.T.A.Nos.930 to 937/Mds/2002 for the assessment years 1983-84 to 1988-89, 1990-01 and 1991-92 respectively.

For Appellant (in all the Appeals)	:	Mr.Karthik Ranganathan Senior Standing Counsel
For Respondent (in all the Appeals)	:	No Appearance

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COMMON JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

These appeals, by the appellant/Revenue, are directed against the common order dated 24.08.2007, passed by the Income Tax Appellate Tribunal Bench "B", Chennai, in I.T.A.Nos.930 to 937/Mds/2002 for the assessment years 1983-84 to 1988-89, 1990-01 and 1991-92 respectively.

2.Heard Mr.M.Swaminathan, learned Senior Standing Counsel and Ms.V.Pushpa, learned Junior Standing Counsel for the Revenue.

3.The above appeals have been admitted, on 06.08.2008, on the following substantial question of law:-

> "Whether in the facts and circumstances of the case, the Tribunal had properly exercised its discretion and was right in deleting the penalty imposed under Section 271(1)(c)?"

4.We have perused the orders of assessment as well as the orders passed by the Commissioner of Income Tax (Appeals) and we find that the tax effect in these appeals is lesser than the threshold limit mentioned in Circular No.3 of 2018, dated 11.07.2018, issued by the Central Board of Direct Taxes, which fixes the monetary limit as Rs.50,00,000/- for the Department to pursue the matter. Furthermore, the Revenue has not been able to point out any distinguishing features, by which the Circular No.3 of 2018, dated 11.07.2018, cannot be applied.

5.Thus, for the above reasons, the Revenue cannot pursue these appeals in view of the low tax effect. Hence, the appeals are dismissed and the substantial question of law, framed for consideration, is left open. The Revenue is at liberty to seek for restoration of appeals if at a later point of time, it is found that the tax effect is above the threshold limit or to fall under the exceptional clauses mentioned in the Circular. No costs.

(T.S.S., J.) (V.B.S., J.)

02.11.2018

abr

To

The Income Tax Appellate Tribunal Bench "B", Chennai.

T.S.Sivagnanam, J.
and
V.Bhavani Subbaroyan, J.

(abr)

T.C.(A) Nos.1041 to 1048 of 2008

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