IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.1139 & 1140 of 2008

The Commissioner of Income Tax,
Tamil Nadu-X, Madras ... Appellant in
both the Appeals
-vs-

Shri.S.Manickam ... Respondent in
both the Appeals

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal Chennai 'C' Bench, dated 23.11.2007 in ITA Nos.1364/Mds/2006 & 1365/Mds/2006, respectively.

For Appellant : Mr.M.Swaminathan

For Respondent : No appearance

COMMON JUDGMENT

[Judgement of the Court was delivered by T.S.Sivagnanam, J.]
These appeals by the Revenue are directed against the order passed by the Income Tax Appellate Tribunal, Madras 'C' Bench, dated ITA Nos.1364/Mds/2006 & 1365/Mds/2006, for the Assessment years 1999-2000 and 2000-01, respectively.

2.Heard Mr.M.Swaminathan, learned Standing Counsel for the Revenue.

3.These Appeals have been admitted on 13.10.2008, on the following Substantial Question of Law:
"Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the provisions of section 147 cannot be applied in the context of block assessment is

valid in law?

4.We have perused the orders of Assessment as well as the Order passed by the Commissioner of Income Tax, under Section 263 of the Income Tax Act, 1961 and we find that the tax effect in these appeals is lesser than the threshold limit mentioned in Circular No.3 of 2008, 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. No costs.

[T.S.S., J.] & [V.B.S., J.]

24.09.2018

msk

To

1.The Income Tax Appellate Tribunal Madras 'C' Bench.

T.S.Sivagnanam, J.

and

V.Bhavani Subbaroyan, J.

msk

T.C.A.Nos.1139 & 1140 of 2008

24.09.2018