IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE DR.JUSTICE ANITA SUMANTH

Tax Case Appeal No.570 of 2009

Commissioner of Income Tax
Chennai ... Appellant

Vs.

M/s.Faireley Transport India Ltd.,
(formerly known as Sab Wabco India Ltd.)
P.B.No.31, Haritha, Hosur 635 109. ... 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 19.12.2008 made in ITA No.2518/Mds/2007 for the Assessment Year 2004-05, against the order of the Commissioner of Income Tax Appeals III, Chennai dated 28/9/2007 made in ITA No.743/2006-07/A-III in Assessment Year 2004-2005 against the order of the Deputy Commissioner of Income Tax Company Circle-II(1) Chennai dated 26/12/2006 made in PAN/GIR.No.AACGS8525-B in Assessment Year 2004-05.

For Appellant : Mr.Karthik Ranganathan
Standing Counsel

For respondent : R.Venkatanarayanan for
M/s.Subbaraya Aiyar

J U D G M E N T

(Delivered by DR.VINEET KOTHARI,J)

This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 19.12.2008 made in ITA No.2518/Mds/2007, by raising the following substantial question of law:

"Whether in the facts and circumstances of the case, the Tribunal was right in directing the assessing officer to follow the case of Ignifluid boilers reported in 283 ITR 295 when no particulars were available on record about the nature of the claim of the assessee?"

2. When the matter is taken up for admission, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.3/2018 dated 11.7.2018 wherein it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.50 lakhs.

3. In the instant case, the tax effect is less than the monetary limit imposed and therefore, the appeal is dismissed as not pressed, preserving the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.

1.The Commissioner of Income Tax,
Chennai.

2.The Income Tax Appellate Tribunal Madras "A" Bench,
Chennai.

3.The Commissioner of Income Tax Appeals III,
Chennai.

4.The Deputy Commissioner of Income Tax Company Circle II(1),
Chennai.

+1cc to Mr.Karthik Ranganathan, Advocate sr.81864
+1cc to Mr.Subbaraya Aiyar, Advocate sr.81240

TCA No.570 of 2009

vba[co]
srg 20/12/2018