IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM

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

Tax Case Appeal No.634 of 2009

Commissioner of Income Tax
Trichy I, Trichy.
..Appellant/ Respondent

Vs.

G.Ranganathan
..Respondent/ Appellant

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai 'A' Bench dated 22.8.2008 in ITA No.697/Mds/2006. Against the order of the Commissioner of Income Tax-I, Tiruchirappalli, dated:03/02/2006 made in C.No.6143(4) CIT-1/TRY/2005-06, and

Against the Assessment order Passed by the Deputy Commissioner of Income Tax Company Circle -I, Trichy, dated 10/12/2003, made in G.I.R.No.PAN.12-PR-196/AAGPF5301P.

For Appellant : Ms.Premalatha
For Mr.M.Swaminathan
Senior Standing Counsel

For Respondent : Mr.V.S.Jayakumar

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, Chennai 'A' Bench dated 22.8.2008 in ITA No.697/Mds/2006, by raising the following substantial question of law:

"Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the Commissioner of Income Tax was not justified in invoking the jurisdiction under Section 263 on the ground that the Assessing Officer has failed to make proper enquiries in certain aspects in the assessment and quashing the order under Section 263 for that reason?"

2. When the matter is taken up for hearing, 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 said to be less than the monetary limit imposed and therefore, the appeal filed by the Revenue is dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,
Chennai 'A' Bench, Chennai

2.The Commissioner of Income Tax-I,
Tiruchirappalli.

3.The Deputy Commissioner of Income Tax,
Company circle-I, Trichy.

+1cc to Mr.V.S.Jayakumar, Advocate, S.R.No.86053

+1cc to Mr.S.Premalatha, Advocate, S.R.No.85911

TCA No.634 of 2009

EV(CO)
GSP(04/01/2019)