IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM

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

Tax Case Appeal No.635 of 2009

Commissioner of Income Tax,
Chennai III. Appellant / Respondent

Vs.

M/s.Ramaniyam Real Estates P. Ltd. Respondent / Appellant
Chennai

Tax Case Appeal filed under Section 260-A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai 'D' Bench, dated 16.01.2009, made in ITA No.772/Mds/2008 against the order passed by the Commissioner of Income Tax, Chennai - III, Chennai - 34 made in C.No.3033/29/III/2007-08 dated 25/03/2018 for the Assessment year 2003-2004 and against the order passed by the Income Tax Officer (OSD), Company Range V(3), Chennai - 34 made in C.No.AAACR2276A/53022R/2003-04 dated 29/05/2007.

For Appellant : Mr.T.Ravikumar,
Senior Standing Counsel.

For respondent : Mr.S.Sridhar

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 'D' Bench, Chennai, dated 16.01.2009, in ITA No.772/Mds/2008, 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 quashing the order of the Commissioner of Income Tax under Section 263 of the Income Tax Act on the

ground that the assessment order was not erroneous and prejudicial to the interests of the Revenue and the Commissioner of Income Tax had no jurisdiction to pass an order of revision under Section 263 of the Income Tax Act ?

2. When the matter is taken up for hearing, the learned Standing Counsel for the Department 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.50.00 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 question of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1) The Income Tax Appeallate Tribunal,
Chennai 'D' Bench,
Chennai.

2) The Commissioner of Income Tax,
Chennai - III, 121, Mahatma Gandhi Road,
Chennai - 34

3) The Income Tax Officer (OSD),
Company Range V(3),
Chennai - 34

+1 cc to Mr.S.Sridhar, Advocate, S.R.No.88845

+1 cc to Mr.T.Ravikumar, Advocate, S.R.No.89273

TCA No.635 OF 2009

SR(CO)
SSM(24/01/2019)