IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM

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

Tax Case Appeal No.813 of 2010

The Director of Income Tax
(Exemption) I,
Chennai. .. Appellant/Appellant

Vs.

Pavaiammal Vaiyapuri .. Respondent/Respondent
Educational Trust.

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 21.1.2010 made in ITA No.1702/Mds/2008 against the Commissioner of Income TAx (Appeals)-XII, Chennai-34, dated 30.05.2008 made in I.T.A.No.442/07-08, and against the Assessment order passed by the Deputy Director of Income Tax (Exemptions)-1, Chennai 34, dated 31.12.2017 made in PAN/GIR No.1616-P.

For Appellant : Mr.Karthik Ranganathan
Standing Counsel

For respondent : No appearance.

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, Madras 'C' Bench, Chennai, dated 21.1.2010 made in ITA No.1702/Mds/2008, by raising the following substantial questions of law:

"(i) Whether, on the facts and circumstances of the case, the Tribunal was right in deciding that the denial of expenditure is not justified contrary to the law laid down in 224 ITR 310?

(ii) Whether, on the facts and circumstances of the case, the Tribunal was right in not considering the order passed under Section 144-A dated 31.12.1007, by the Additional DIT(E) that the assessee is not entitled to exemption under Section 10(22)?"

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 questions of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sk.

To

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

2. The Commissioner of Income Tax(A)-XII, Chennai.

3. The Deputy director of Income Tax (Exemptions)-1, Chennai.

+1 cc to Mr.Karthik Ranganathan, Advocate Sr.No.84145

TCA No.813 of 2010

EV(CO)
CSL/22.01.2019