In the High Court of Judicature at Madras

Dated : 09.11.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

Tax Case Appeal Nos.959 and 960 of 2010 & MP.No.1 of 2010

The Commissioner of Income Tax, Chennai ... Appellant/Appellant in both the appeals

Vs

M/s.Brakes India Ltd., Padi. Chennai 600 050. ... Respondent/Respondent in both the appeals

Prayer:- APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 24.2.2010 respectively in ITA Nos.1903 and 1904/Mds/ 2009 on the file of the Income Tax Appellate Tribunal Madras 'C' Bench for the assessment years 1991-92 and 2000-01 preferred against the order of the Commissioner of Income Tax (Appeals) Large Tax payer Unit, Chennai dated 30.09.2009 made in I.T.A.No.26/08-09/LTU(A) and I.T.A.No.20/08-09/LTU(A), against the order of the Assistant Commissioner of Income Tax, Company Circle I(2)(I/c), Chennai dated 28.06.2006 made in G.I.No.BXI-026 and Assistant Commissioner of Income Tax, Large Tax Payer Unit, Chennai dated 30.09.2008 made in AAACB2553Q/1991-92

For Appellant : Mr.T.Ravikumar

For Respondent : Mr.Vikram Vijayaraghavan

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COMMON JUDGMENT
(Judgment was delivered by T.S.SIVAGNANAM,J)

Heard the learned counsel for the appellant.

2. These appeals by the Revenue challenge the common order

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passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeals on account of low tax effect in terms of Circular No.3 of 2018 dated 11.7.2018 issued by the Central Board of Direct Taxes.

4. In the light of the above, the appeals are dismissed as withdrawn and the substantial question of law framed is left open. In the event, in each of the cases, the tax effect is above the threshold limit fixed in the said circular under exceptional clauses mentioned in the circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeals to be heard and decided on merits. No costs. Consequently, the connected MP is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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

2. The Commissioner of Income Tax, Large Tax Payer Unit, Chennai.

3. The Assistant Commissioner of Income Tax, Company Circle I(2)(I/C), Chennai.

4. The Assistant Commissioner of Income Tax, Large Payer Unit, Chennai.

+2 cc's to Mr.T.Ravi Kumar, Advocate Sr.No.76630&76631

TCA.Nos.959& 960 of 2010
and MP.No.1 of 2010

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