IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Tax Case Appeal Nos.128 to 133 of 2011

The Income Tax Officer(OSD),
Exemption III, Chennai.

...Appellant in all the appeals

-vs-

M/s.St.Joseph's Educational
Social Development Society
Polur Taluk, Thiurvannamalai,
Vellore - 632 326.

...Respondent in all the appeals

COMMON PRAYER:Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 (for brevity 'the Act') against the common order of the Income Tax Appellate Tribunal Chennai 'B' Bench, dated 14.10.2010 in ITA Nos.1004 to 1009/Mds/2010, for the Assessment year 2001-02 to 2006-07 respectively, Appeals filed against the order of the Commissioner of Income Tax(Appeals)XII 121, Mahatma Gandhi Road, Nungambakkam Chennai-34 made in ITA.No.255/08-09 dated 31/03/10 in GI.NO./PA.NO. AAFTS7924N for the assessment year 2001-02 against the order of the Commissioner of Income Tax Appeals XII, 121, Mahatma Gandhi Road, Nungambakkam Chennai-34 made in ITA.NO 272, 254, 257, 258 and 256/08-09 dated 24/03/10 in GI.No/PA.NO. AAFTS7924N for the Assessment year 2002-03 against the order of the Income Tax department (OSD) Exemptions III Chennai in PAN/GIR.NO. 3999/(524)S, AAFTS7924N dated 31/12/08 for the Assessment year 2001-02, 2002-03, 2003-2004, 2004-05, 2005-06, 2006-07.

For Appellant : Mr.Kaushik Ranganathan
(in all the appeals)

For Respondent : Mr.R.Sivaraman
(in all the appeals)

COMMON JUDGMENT

[Judgement of the Court was delivered by T.S.Sivagnanam, J.]

These Tax Case Appeals are filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal Chennai 'B' Bench, dated 14.10.2010 in ITA Nos.1004 to 1009/Mds/2010, for the Assessment year 2001-02 to 2006-07 respectively.

2.Heard Mr.Kaushik Ranganathan, learned Senior Counsel for the appellant/Revenue and Mr.R.Sivaraman, the learned counsel for the respondent.

3.These Appeals have been admitted on 28.06.2011, on the following Substantial Questions of Law:

> "(i)Whether on the facts and in the circumstances of the case, the Tribunal was right in not considering the provision stipulated under Section 10(23C) (iiiad) in the order when the assessee was registered as Public Religious Trust?
>
> (ii) Whether on the facts and in the circumstances of the case, the order of the Tribunal was perverse and contrary to the material facts, since erroneously relied on the order passed in M/s.ARR Trust?”

4.We have perused the order of Assessment as well as the Common Order passed by the Commissioner of Income Tax and we find that the tax effect in these appeals are lesser than the threshold limit mentioned in Circular No.3 of 2018, dated 11.07.2018, issued by the Central Board of Direct Taxes, which fixes the monetary limit as Rs.50,00,000/- for the Department to pursue the matter. Furthermore, the Revenue has not been able to point out any distinguishing features, by which the Circular No.3 of 2018, dated 11.07.2018, cannot be applied.

5.Thus, for the above reasons, the Revenue cannot pursue these Appeals in view of the low tax effect. Hence, the Appeals are dismissed and the Substantial Questions of Law, framed for consideration, are left open. No costs. The Revenue is at liberty to seek for restoration of appeals, if at a later point of time, it is found that the tax effect is above the threshold limit.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrm

To

1.The Income Tax Appellate Tribunal Chennai 'B' Bench.

2.The Commissioner of Income Tax Appeals XII,
121, Mahatma Gandhi Road, Chennai-34.

3.The Income Tax Department(OSD) Exemption III,
Chennai.

+1cc to Mr.R.Sivaraman, Advocate sr.no.81549

T.C.A.Nos.128 to 133 of 2011

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