In the High Court of Judicature at Madras

Dated : 11.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.395 of 2011

Commissioner of Income Tax,
Salem ...Appellant/Appellant

Vs

M/s.Jayakrishna Flour Mills (P) Ltd.,
5A Rajaji Road,
Salem-7 ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 04.5.2011 in ITA No.2158/Mds/2010 on the file of the Income Tax Appellate Tribunal Chennai 'B' Bench for the assessment year 2007-08 and against the order of the Commissioner of Income Tax(Appeals) Salem, Order dated 28/10/2010 made in ITA No.62/09-10 and against the order of the Deputy Commissioner of Income Tax Company Circle, Salem, order dated 20/08/09 made in PAN/GIR No.IDCJ0005/AAACJ5436G Assessment Year 2007-2008.

For Appellant : Mr.T.R.Senthilkumar & Ms.K.G.Usharani

For Respondent : Mr.Sandeep Bagmar for Mr.V.S.Jayakumar

Judgment was delivered by T.S.SIVAGNANAM,J

Heard the learned counsel for the appellant.

2. This appeal by the Revenue challenges the order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeal 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 In the light of the above, the appeal is dismissed as withdrawn and the substantial questions of law framed are left open. In the event the tax effect is above the threshold limit fixed in the said circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax (Appeals)
Salem.

3.The Deputy Commissioner of Income Tax
Company Circle, Salem.

+1cc to Mr.V.S.Jayakumar, Advocate Sr.70864

TCA.No.395 of 2011

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srg 16/11/2018