

In the High Court of Judicature at Madras

Dated : 05.12.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

Tax Case Appeal No.413 of 2011

The Commissioner of Income Tax,
Business Circle XI, Chennai.

...Appellant

Vs

M/s.Mahaveera Bullion, Chennai-39

...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 27.3.2009 in ITA No.1448/Mds/2008 on the file of the Income Tax Appellate Tribunal Chennai 'B' Bench for the assessment year 2005-06, against the order dated 27/03/2008 in Appeal No.CIT(A)-IV/CHE/99 for the Assessment Year 2007-2008 on the file of the Commissioner of Income Tax (Appeals)-IV Chennai, against the order dated 28/12/2007 in PAN/GIR No.AAIFM4903E for the Assessment Year 2005-2006 on the file of the Deputy Commissioner of Income Tax Circle XI, Chennai-6.

For Appellant : Mrs.R.Hemalatha, SSC

For Respondent : Mr.J.Nareshkumar

JUDGMENT

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 In the light of the above, the appeal is dismissed as withdrawn and the substantial question of law framed is left open. In the event 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 appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Income Tax Appellate Tribunal, Chennai 'B' Bench.
- 2.The Commissioner of Income Tax
Business Circle XI, Chennai.
- 3.The Commissioner of Income Tax (Appeals)-IV,
Chennai.
- 4.The Deputy Commissioner of Income Tax Circle XI,
Chennai-6.

+lcc to Mr.J.Nareshkumar, Advocate Sr.83370

TCA.No.413 of 2011

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srg 10/01/2019