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 Nos.455 of 2011

The Commissioner of Income Tax,
Madurai.

...Appellant

-vs-

Smt.V.J.Geetha,
B-1, Raaj Sesh Mahal, No.34,
Bharathi Ula Road, Race Course Road,
Madurai - 652 002.

...Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal 'B' Bench, Chennai, dated 05.06.2009 in I.T.(SS).A No.35/Mds/2007, for the block period 1991-92 to 2000-01 and 2001-02.

As against the order of the Commissioner of Income Tax (Appeals)-II, Madurai dated 23.11.2006 in I.T.A.No.198/2005-2006 as asgainst the order of Deputy Commissioner f Income Tax, Central Circle-III, madurai dated 09.07.2003 in Block Assessment period 1991-92 to 2000-2001 abd 2001-2002 (Oart) in PAN-GIR NO:AGIPG7073K

For Appellant : M/s.V.Pushpa

For Respondent : Ms.V.J.Geetha

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JUDGMENT

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

This Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal 'B' Bench, Chennai, dated 05.06.2009 in I.T.

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(SS).A No.35/Mds/2007, for the block period 1991-92 to 2000-01 and 2001-02.

2.Heard M/s.V.Pushpa, learned Counsel for the Revenue and Ms.V.J.Geetha, learned Counsel for the assessee.

3.This Appeal has been admitted on 20.10.2011, on the following Substantial Question of Law:

> "Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in law in deleting the addition made by the Assessing Officer as undisclosed income, while framing the block assessment under Section 158-BC read with Section 158-BD is valid?"

4.We have perused the order of Assessment as well as the Order passed by the Commissioner of Income Tax and we find that the tax effect in this appeal is 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 this Appeal in view of the low tax effect. Hence, the Appeal is dismissed and the Substantial Question of Law, framed for consideration, is left open. No costs. The Revenue is at liberty to seek for restoration of appeal, if at a later point of time, it is found that the tax effect is above the threshold limit.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

mrm/abr

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To

1. The Income Tax Appellate Tribunal, Madras 'B' Bench.

2. The Commissioner of Income Tax (Appeals)II, Madurai.

3. The Deputy Commissioner of Income Tax,
Central Circle-III, No.2 V.P.Rathinasamy Nadar Road,
Bibikulam, Madurai 625 002.

+1 cc to Mr.M.Swaminathan, Advocate SR.No.83440

T.C.A.No.455 of 2011

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