

In the High Court of Judicature at Madras

Dated : 08.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.183 of 2015

Commissioner of Income Tax,
Chennai.Appellant

Vs

M/s.Capricorn Food Products India
Ltd., Chennai-40.Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 29.8.2013 in ITA No.1247/Mds/2013 on the file of the Income Tax Appellate Tribunal Chennai 'B' Bench for the assessment year 2008-09 against the order of the Commissioner of Income Tax (A) III, Chennai, dated 19/2/2013 made in ITA No.287/2010 ii/a.III for the Assessment year 2008-09. Against the order of the Assistant Commissioner of Income Tax, Company Circle-1(3) chennai-34 dated 13/12/2010 made in GIR PAN AABCC1550B for the assessment year 2008-09.

For Appellant : Mr.T.Ravikumar

For Respondent : Mr.M.P.Senthilkumar

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 In the light of the above, the appeal is dismissed as withdrawn and the substantial question of law framed is left open.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, 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

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To

1. The Income Tax Appellate Tribunal, Chennai 'B' Bench.
2. The Commissioner of Income Tax (A) III Chennai-34
3. The Assistant Commissioner of Income Tax
Company Circle 1(3), Chennai-34
4. The Commissioner of Income Tax, Chennai.
5. The Assistant Registrar,
Income Tax Appellate Tribunal,
III Floor, Rajaj Bhavan, Besant Nagar, Chennai.

+1cc to Mr.T.Ravikumar, Advocate SR.No.69084

+1cc to M/s.M.P.Senthilkumar, Advocate SR.No.69392

TCA.No.183 of 2015

RSV (CO)

GMV (31/10/2018)

सत्यमेव जयते

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