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 NOS.328 TO 330 OF 2015

The Commissioner of Income Tax,
Company Circle-III, Chennai

...Appellant in all the Appeals/Respondent

Vs

M/s.Venkateswara Electrical
Industries (P) Ltd., Chennai-116.

...Respondent in all the Appeals/Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 28.8.2014 in ITA Nos.1344, 1345 and 1636/Mds/2014 on the file of the Income Tax Appellate Tribunal Chennai 'D' Bench respectively for the assessment years from 2008-09, 2009-10 and 2008-09 against the order of the Commissioner of Income Tax (Appeals)III 121 Mahatma Gandhi Road, Chennai-34, made in ITA No.1371/2013-14 dt:20/01/2014 for the Assessment year 2008-09 and the order of Commissioner of Income Tax (Appeals)III121,Mahatma Gandhi Road, Chennai-600 034, made in ITA No.1183/2013-14 dt:13/02/2014 for the assessment year 2009-10.

Which were filed against the order of Income Tax Department Deputy Commissioner of Income Tax, Company circle III(4) Chennai-34 made in GIR No./PAN 271-VI AAACV0717C dt:14/12/2010 for the Assessment year 2008-09.

and for order of Income Tax Department Assistant Commissioner of Income Tax, Company circle III (4) Chennai-34 made in GIR/PAN271-V/AAACV0717C dt:07/12/2011 for the assessment year 2009-10 respectively.

For Appellant : Mr.M.Swaminathan
For Respondent : Mr.R.Venkata Narayanan for
M/s.Subbaroya Aiyer Padmanabhan

COMMON JUDGMENT

(Judgment was delivered by T.S.SIVAGNANAM,J)

Heard the learned counsel for the appellant.

2. These appeals by the Revenue challenge the common order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeals 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 In the light of the above, the appeals are dismissed as withdrawn and the substantial questions of law framed are left open. In the event, in each of the cases, 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 appeals to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,
Chennai 'D' Bench.

2.The Commissioner of Income Tax,
Company circle III Chennai.

3.The Commissioner of Income Tax,
(Appeals) III 121, Mahatma Gandhi Road,
Chennai-34.

4.The Deputy Commissioner of Income Tax,
Company circle III (4) Chennai-34.

5.The Assistant Commissioner of Income Tax,
Company Circle III (4) Chennai-34

6.The Assistant Registrar, Income Tax,
Appellate Tribunal III rd Floor, Rajaji Bhavan, Besant Nager,
Chennai-90.

+1cc to Mr.Subbaraya Aiyar, Advocate, S.R.No.69502

+1cc to Mr.M.Swaminathan, Advocate, S.R.No.69043

TCA.Nos.328 to 330 of 2015

SKV(CO)
GSP(20/11/2018)