In the High Court of Judicature at Madras

Dated : 26.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.220 & 221 of 2013

The Commissioner of Income Tax, Central II, Chennai-34 ...Appellant/Appellant in both TCAs

Vs

M/s.Kaleesuwari Refinery Pvt. Ltd., Chennai-4 ...Respondent / Respondent in both TCAs

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 11.7.2012 respectively in ITA Nos.136 & 137/Mds/2012 on the file of the Income Tax Appellate Tribunal Madras 'B' Bench for the assessment years 2003-04 and 2004-05 araising against the orders dated 27.10.2011 in ITA NO,356/10-11 & 357 /10-11 respectively on the file of the Commissioner of Income Tax (Appeals-II) Chennai. Which was filed against the Assessment orders dated 31.12.2010 of the Assistant commissioner of Income Tax ,Central Circle -II(4), Chennai. In PAN NO.AAA CK6087A respectively.

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

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 In the light of the above, the appeals are dismissed as withdrawn and the substantial questions of law framed are left open.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)

//True Copy//

Sub Assistant Registrar

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

2.The Commissioner of Income Tax (Appeals-II) Chennai.

3.The Assistant commissioner of Income Tax ,Central Circle -II(4), Chennai.

+1cc to Mr.Philip George, Advocate SR.No. 74541
+1cc to Mr.G.Baskar, Advocate SR.No. 73224
+1cc to Mr.T.R.Senthilkumar , Advocate SR.No. 73315

TCA.Nos.220 & 221 of 2013
ASK(02/01/2019)