In the High Court of Judicature at Madras

Dated : 14.11.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

Tax Case Appeal No.306 of 2013

The Commissioner of Income Tax,
Chennai ...Appellant/Appellant

Vs

M/s.MIL Industries Ltd., Chennai-98 ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 07.1.2013 in ITA No.988/Mds/2011 on the file of the Income Tax Appellate Tribunal Chennai 'C' Bench for the assessment year 2005-06, and against the order of the Commissioner of Income Tax Appeals-V, Chennai-34 dated 22/03/11 and made in ITA.NO.58/08-09 for the Assessment year 2005-06, and against the order of the Deputy Commissioner of Income Tax Company circle IV(3), Chennai-34, dated 31/12/07 and made in PAN.NO.AAACM4380Q for the Assessment year of 2005-06.

For Appellant : Mr.Karthik Ranganathan

For Respondent : Mr.G.Baskar

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 In the light of the above, the appeal is dismissed as withdrawn and the substantial questions of law framed are left open.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

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax Appeals-V,
Chennai-34.

3.The Deputy Commissioner of Income Tax,
company circle-IV(3),
Chennai-34.

+1cc to Mr.N.Muthukumar, Advocate sr.no.77797

TCA.No.306 of 2013

VGII(CO)
NR 05/12/2018