IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.9.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G. RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Tax Case Appeal No.546 of 2018

Principal Commissioner of Income Tax
D.P.Thottam, Muthialpet,
Puducherry ... Appellant

Vs.

NLC Indcoserve,
Opp. to Thermal Power Station I,
Neyveli 607 807.
PAN AAAAN 0095 M ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 18.8.2017 made in ITA No.979/Mds/2016 for the assessment year 2012-13 against the order of Commissioner of Income Tax (Appeals) Puducherry, 121, Mahatma Gandhi Road, Chennai - 600 034 dated 18/02/16 made in ITA No.106/CIT(A)-PDY/2014-15, for the assessment year 2012-13 against the order of Income Tax Officer, Ward 2, Cuddalore dated 23/02/2015 made in PAN AAAANOO95M for the assessment year 2012-13.

For Appellant : Ms.K.G.Usharani
Junior Standing Counsel

J U D G M E N T
(Delivered by Huluvadi G.Ramesh,J)

This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras Madras 'A' Bench, Chennai, dated 18.8.2017 made in ITA No.979/Mds/2016, by raising the following substantial question of law:

"(i) Whether the Appellate Tribunal is right in allowing deduction under section 80P(2)(a)(i) of the Income Tax Act to the assessee Society, when the assessee co-operative Society is engaged in finance business and cannot be termed as co-operative Society?"

2. When the matter is taken up for admission, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.3/2018 dated 11.7.2018 wherein it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.50 lakhs.

3. In the instant case, the tax effect is less than the monetary limit imposed and therefore, the Tax Case Appeal is dismissed as not pressed, preserving the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ssk.

To

1. The Principal Commissioner of Income Tax,
   D.P.Thottam, Muthialpet, Puducherry.

2. The Income Tax Appellate Tribunal, Madras 'Á' Bench

3. Commissioner of Income Tax (Appeals)
   Puducherry, 121, Mahatma Gandhi Road, Chennai - 600 034.

4. Income Tax Officer, Ward (2) Cuddalore.

5. The Assistant Registrar,
   Income Tax Appellate Tribunnal,
   IIIrd Floor, Rajaji Bhavan,
   Besant Nagar, Chennai - 90.

+1cc to Mr.T.R.Senthilkumar, Advocate SR.No.65133

TCA No.546 of 2018

GMY(17/10/2018)