In the High Court of Judicature at Madras

Dated : 10.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.589 of 2016

The Commissioner of Income Tax,
Coimbatore-18. ...Appellant

Vs

M/s.Coimbatore Hi-Tech Infrastructure
Pvt. Ltd., Coimbatore-35 ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 18.8.2014 in ITA No.2217/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-I, Coimbatore dated:25/10/2013 made in F.No.120(3)/263-CHIPL/CIT-I:CBE/13-14, against the order of the Income Tax Appellate Tribunal 'C' Bench, Chennai, dated:12/06/2012 made in ITA.No.937/mds/2012 Assessment year 2008-09, and against the order of the Additional commissioner of Income Tax, Range-I, Coimbatore, dated:31/12/2010, made in PAN.No.AACCC5201G, Assessment year 2008-09.

For Appellant : Mr.T.R.Senthilkumar and Ms.K.G.Usharani
For Respondent : Mr.A.S.Sriraman

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 In the light of the above, the appeal is dismissed as withdrawn and the substantial question of law framed is left open.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

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax-I
Coimbatore.

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

4.The Additional Commissioner Of Income Tax,
Range-I, Coimbatore.

+1cc to Mr.T.R.Senthilkumar, Advocate, S.R.No.70776

+1cc to Mr.S.Sridhar, Advocate, S.R.No.69995

TCA.No.589 of 2016

BR(CO)
GSP(14/11/2018)