IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tax Case Appeal Nos.301 and 302 of 2018

The Commissioner of Income tax,
Chennai. ... Appellant in both appeals

-vs-

M/s.PCC Logistics Private Limited,
No.1, Appu Maistry Street,
Chennai-600 001. ... Respondent in both appeals

Appeals filed under Section 260A of the Income Tax Act, 1961 against the orders of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 14.09.2017 made in ITA No.2769/Mds/2016 and in CO No.183/Mds/2016 in ITA No.2769/Mds/2016, respectively. Against the Order 30.06.2016 made in ITA.No. 24/2015-16/CIT(A)-3 of the Commissioner of Income Tax (Appeals)-3, Chennai-34 against the order dated 30.03.2015 and assessment year 2012-2013 and made in PAN No. AAACP4260A of the Deputy Commissioner of Income Tax, Corporate Circle 5 (2), Chennai -34.

For Appellant :: Mr.T.Ravikumar,
Standing Counsel
For Respondent :: Mr.N.Devanathan

COMMON JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

These Tax Case Appeals have been filed by the Revenue calling in question the correctness of the orders passed by the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 14.09.2017 made in ITA No.2769/Mds/2016 and in CO No.183/Mds/2016 in ITA No.2769/Mds/2016, respectively, and the same were admitted by this Court on 29.06.2018, on the following substantial questions of law:

"(i)Whether the Tribunal was right in quashing the assessment order especially when the assessee had raised the said jurisdictional issue only before the CIT (Appeals) and had also submitted that the additional grounds raised in respect of jurisdiction were not pressed?

(ii)Whether the Tribunal was right in quashing the assessment order especially when the question of jurisdiction of AO is to be raised within one month time from the date on which he was served with notice u/s.143(2) as envisaged u/s.124(3)(a) which the assessee failed to do?”

2.When the matter is taken up for admission, the learned Standing Counsel appearing for the appellant brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.3/2018 dated 11.07.2018 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 appeals are dismissed as not pressed, preserving the substantial questions of law for determination in an appropriate case. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

KM

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

2. The Commissioner of Income Tax (Appeals)-3,
Chennai 640 034.

3. The Deputy Commissioner of Income Tax,
Corporate Circle 5 (2), Chennai 600 034.

+1cc to Mr.T.Ravi Kumar, Advocate, S.R.No. 75608

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JP(CO)
GN(27/11/2018)