In the High Court of Judicature at Madras

Dated : 12.11.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

Tax Case Appeal No.497 of 2018

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

Vs

Mr.R.Venugopal ... Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 21.11.2016 in ITA No.2426/Mds/2016 on the file of the Income Tax Appellate Tribunal Madras SMC/'A' Bench for the assessment year 2007-08 and appeal against the order of the Commissioner of Income Tax (Appeals)-15, dated 26.05.2016 in ITA NO.200/CIT(A)-15/2014-15 and against the order of the Assistant Commissioner of Income Tax Business Circle-V, Chennai dated 26.09.2014 in PAN/GIR:AAFPV6143C

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

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard the learned Senior Standing Counsel for the appellant.

2. This appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order passed by the Income Tax Appellate Tribunal, Madras SMC/'A' Bench dated 21.11.2016 for the assessment year 2007-08.

3. The appeal filed by the Revenue before the Tribunal was dismissed on the ground that the tax effect is less than Rs.10 lakhs and in terms of the circular issued by the Central Board

of Direct Taxes in Circular No.21/2015 dated 10.12.2015, such appeals are to be withdrawn.

4. The learned Senior Standing Counsel for the Revenue submits that the Tribunal erred in dismissing the appeal filed by the Revenue without considering the fact that the case of the assessee falls under the exception provided in paragraph 8(c) of the said circular dated 10.12.2015.

5. If such is the case of the Revenue, then it is for the Revenue to move the Tribunal by way of an application for rectification.

6. Accordingly, the above tax case appeal is disposed of giving liberty to the Revenue to file an appropriate application before the Tribunal setting out their contentions and the Tribunal shall consider such application and take a decision on merits and in accordance with law after notice to the assessee.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Income Tax Appellate Tribunal, Madras SMC/'A' Bench.

2. The Commissioner of Income Tax (Appeals)-15, Chennai 34.

3. The Assistant Commissioner of Income Tax,
Business Circle-V, Chennai.

+1 cc to Mr.T.R.Senthilkumar, Advocate Sr.No.77210

TCA.No.497 of 2018

KK(CO)
CSL/30.11.2018