IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM

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

Tax Case Appeal No.734 of 2018

The Commissioner of Income Tax
Chennai. .. Appellant

Vs.

G.Dhanasekar .. Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai, dated 28.02.2018 in ITA No.2540/Mds/2017.

For Appellant : Ms.Hemalatha
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 'B' Bench, Chennai, dated 28.02.2018 in ITA No.2540/Mds/2017, by raising the following substantial questions of law:

> "(i) Whether the Tribunal was correct in holding that the Assessee was eligible for deduction under Section 54F especially when the conditions prescribed therein have not been satisfied by the Assessee?

(ii) Whether deduction under Section 54F is available to the Assessee even if the Assessee holds more than one residential property other than the new assets purchased?”

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 11.07.2018 wherein it is stipulated that appeal 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 appeal is dismissed as not pressed, preserving the substantial questions of law for determination in an appropriate case. No costs.

Sd/-
Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Income Tax Appeals 2,
Chennai.

3.The Income Tax Officer,
Non Corporate Ward 1(2),
chennai.

+1cc to Mr.T.Ravi Kumar, Advocate SR.No. 66005

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ASK(29/10/2018)