IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.08.2018
CORAM
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case (Appeal) No.1440 of 2007

The Commissioner of Income-tax,
Tamil Nadu-I, Madras. ... Appellant

-vs-

M/s.Ford Business Services Centre P. Ltd.,
67, TNPL Building, Guindy,
Chennai-600 032. ... Respondent

Tax Case (Appeal) filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income-tax Appellate Tribunal "A" Bench, Chennai, dated 22.06.2007 in ITA No.308/Mds/2005 for the assessment year 2001-02 and appeal against the Commissioner of Income Tax (Appeals) XI, 121, M.G.Road, Chennai 34 in I.T.A.Tr.No.405/ITA.No.85/2004-05 dt.15/12/2004 and appeal against the order of the Asst. Commissioner of Income Tax Company Circle II(1) Chennai 34 in PAN/GIR.No.AAA CF 5984H dt.28.1.2004.

For Appellant : Mr.Karthik Ranganathan,
Senior Standing Counsel
For Respondent : No Appearance

JUDGMENT

[Delivered by T.S.Sivagnanam, J.]

Heard Mr.Karthik Ranganathan, learned Senior Standing Counsel for the appellant/Revenue. None appears for the respondent.

2.This appeal, by the Revenue, is directed against the order of the Income-tax Appellate Tribunal "A" Bench, Chennai, dated 22.06.2007 in ITA No.308/Mds/2005 for the assessment year 2001-02.

3.The above appeal has been admitted on the following substantial question of law:-

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the assessee is entitled to set off of unabsorbed losses and depreciation

after availing the deduction under Section 10-B of the Income-tax Act, 1961?"

4.Before we proceed to consider the substantial question of law raised in this appeal, we have to first take note of the fact that the tax effect in the present appeal relevant for the assessment year 2001-02 is less than the threshold limit. In the case of Commissioner of Income Tax vs. N.Meenakshisundaram [Tax Case (Appeal) Nos.868 and 869 of 2008; Dated 23.04.2018], one of us (TSSJ) had an occasion to consider various circulars issued by the Central Board of Direct Taxes (CBDT) as regards the threshold limits fixed for filing the appeals by the Revenue or pursue the appeals, which are pending from 2008 onwards.

5.Further, it is relevant to note that by Circular No.3/2018, dated 11.07.2018, monetary limit has further been increased and appeals be maintainable before the High Courts. It has been increased to Rs.50,00,000/-. Hence, viewed from any angle, this appeal could not have been filed.

6.Thus, by applying the above Circular issued by the CBDT, this appeal ought not to have been filed by the Revenue and hence, for that reason, this tax case appeal is dismissed and the substantial question of law, framed for consideration, is left open. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(abr)
To

1.The Commissioner of Income-tax, Tamil Nadu-I, Madras.
2.The Income-tax Appellate Tribunal "A" Bench, Chennai.
3.The Asst. Commissioner of Income-tax,
Company Circle II(1), Chennai.
4.The Commissioner of Income (Appeals) XI,
121, M.G.Road, Chennai 34

KJI(CO)
s:19.9.2018