IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.881 & 882 of 2014

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

Vs

M/s.SGP Exim Pvt. Ltd., Chennai-6. ..Respondent/Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 17.9.2010 in ITA Nos.1903 and 1599/Mds/2008 on the file of the Income Tax Appellate Tribunal Madras 'A' Bench respectively for the assessment years 2003-04 and 2004-05

against the order passed by the Commissioner of Income Tax 18.06.2008 made in I.T.A.No.19/06-07 for the Assistant year 2003-04 and

against the order passed by the Commissioner of Income Tax (Appeals)-V, Chennai 600 034 dated 17.01.2008 made in ITA.NO.409/2006-07 for the assessment year 2004-05 and

against the order passed by the Income Tax Department Company Circle VI(1) Chennai 600 034 dated 16.11.2006 made in O.S.12/AABC505512 for the Assessment year 2004-05 and against the order passed by the Assistant Commissioner of Income Tax Company Circle VI(1), Chennai 600 034 dated 03.03.2006 made in S-12/AABCS0551Q in the Assessment year 2003-04.

For Appellant : Mr.T.R.Senthilkumar
For Respondent in TCA No.881/2014 : Mr.R.Sivaraman
For Respondent in TCA No.882/2014 : Mr.A.S.Sriraman

COMMON JUDGMENT
(Judgment was delivered by T.S.SIVAGNANAM,J)

Heard the learned counsel for the appellant.

2. These appeals by the Revenue challenge the common order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeals 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 In the light of the above, the appeals are dismissed as withdrawn and the substantial questions of law framed are left open. In the event, in each of the cases, 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 appeals to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

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

3. The Income Tax Officer, (OSD),
Company Circle VI(1) Chennai-34.

4. The Assistant Commissioner Company Circle VI(1) Chennai-34.

+ 2 ccs to Mr.T. R. Senthilkumar, Advocate Sr.70785,70784

TCA.Nos.881 & 882 of 2014

SR(CO)
EU(19/11/2018)