IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.132 to 135 of 2009

Commissioner of Income Tax,
Chennai. ..Appellant in all appeals

Vs.

Smt.Varanandhini Raghavan, .. Respondent in T.C.A. Nos.132 & 133/2009

R.Madhavan .. Respondent in T.C.A. Nos.134 & 135/2009

Common Prayer : Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal Bench 'C', Chennai, dated 09.05.2008 in M.P.Nos.56/Mds/08, 57/Mds/08, 58/Mds/08 and 59/Mds/08 in ITA Nos.860/Mds/07, 917/Mds/06, 918/Mds/06 and 859/Mds/07 for the assessment year 1997-98.

against the order of the commissioner of Income Tax (Appeals)-XII, 121, Mahadma Gandhi Road, Chennai - 600 034 in ITA.No.54/2005-2006,ITA.No.51/2005-2006 Dated 23.01.2006 for the assessment year 1997-1998.

against the order of Income Tax officer, Business Ward XV (4), Chennai made in GIR/PAN No.AANPM 2092D Dated 28/03/2005 for the Assessment year 1997-1998

against the order of Income Tax officer, Business ward XV (3), Chennai-34 made in PAN.No./GIR AAIPR4175K dated 28/03/2005 for the assessment year 1997-1998.

For Appellant in all appeals	:	Mr.M.Swaminathan Senior Standing Counsel assisted by Ms.V.Pushpa and Ms.S.Premalatha
For Respondents in all appeals	:	Mr.M.P.Senthil Kumar for M/s.Philip George

C O M M O N   J U D G M E N T

[Judgement of the Court was delivered by T.S.Sivagnanam, J.]

Heard Mr.M.Swaminathan, learned Senior Standing Counsel for the Revenue and Mr.M.P.Senthilkumar, learned counsel for the respondents.

2. These appeals had been admitted on 06.07.2009, on the following substantial questions of law raised by the Revenue :-

> "(i).Whether on facts and circumstances of the case Tribunal was right in dismissing the rectification M.P. Filed under 254(2) ?
>
> (ii).Whether on the facts and circumstances of the case, the Tribunal was right in holding that order passed under 263 of Income Tax Act was wrong?
>
> (iii).Whether on the facts and circumstances of the case, the Tribunal was right in law in not considering the fact that the capital gains which is taxable had escaped assessment ? (Refer (2002) 256 ITR 0282 [Commissioner of Income Tax V. K.Jeelani Basha])"

3.Before we proceed to consider the substantial questions of law raised in these appeals, we have to first take note of the fact that the tax effect in the present appeals relevant for the assessment year 1997-98 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], this Court 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.

4.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, these appeals could not have be pursued.

5.Thus, by applying the above Circular issued by the CBDT, these appeals ought not to have been pursued by the Revenue and hence, for that reason, these tax case appeals are dismissed and the substantial questions of law, framed for consideration, are left open. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy//

Sub Assistant Registrar

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To

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

2. The Commissioner of Income Tax,
   Chennai.

3. The Commissioner of Income Tax (Appeals)-XII,
   121, Mahadma Gandhi Road, Chennai -600 034.

4. The income Tax Officer,Business Ward XV(4),
   Chennai.

5. The income Tax Officer,Business Ward XV(3),
   Chennai.

6. The Record Keeper,VR Section,
   High Court, Madras.

T.C.A.Nos.132 to 135 of 2009

AK(CO)
RMP(24/09/2018)