IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2018

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

T.C.(A). No.4 of 2010

Commissioner of Income Tax,
Salem. .. Appellant/Appellant

vs.

A.Periasamy .. Respondent/Respondent

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal "D" Bench, Chennai dated 03.07.2009 passed in I.T. (S.S.) A. Nos.97/Mds/2005 against order dated 01/04/2005 in ITA No.115/04-05 by the Commissioner of Income Tax(Appeals) Salem and against order dated 31.3.2003 in PAN/GIRNo.CCPP-007 by the Deputy Commissioner of Income Tax, Central Circle, Salem.

For Appellant : Mr.T.R.Senthil Kumar and Ms.K.G.Usha Rani

For Respondent : Mr.A.S.Sriraman for Mr.S.Sridhar

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The Revenue has filed this appeal by formulating the following substantial questions of law in respect of the block assessment period 01.04.1990 to 08.02.2001:

"1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in confirming the deletion of the addition of Rs.60 lakhs, by the Commissioner of Income Tax (Appeals) under the head 'Loans and Advances, as evidence in the loose sheet found and seized during the search and which had been admitted by the assessee as his undisclosed income in the statement under Section 132(4)?

2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in confirming the deletion of the addition of Rs.1 lakhs relating to unaccounted marriage expenses by the Commissioner of Income Tax (Appeals)without appreciating that the addition was based on the sworn statement recorded from the assessee under Section 132 (4) of the Act which formed part of the evidence found as a result of search?

3.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in confirming the deletion made by the Commissioner of Income Tax (Appeals) of the addition made on account of loose sheets found and seized in the course of search which revealed a sum of Rs.10 lakhs shown as amount due from one Sri.Ramki, when the assessee did not file any evidence regarding the said document in the course of the assessment but produced only an affidavit from the debtor which did not contain even his address?

2.Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent.

3.When the matter is taken up for hearing, learned counsel appearing for the appellant would submit that the Central Board Direct Taxes by Circular No.3/2018 dated 11.07.2018 revised the monetary limits for filing appeals before the Appellate Tribunal and the High Court and for filing special leave petitions before the Supreme Court. As per the said circular, the monetary limit for filing appeal before the High Court has been increased to Rs.50,00,000/-.

4.In view of the circular issued by the Central Board Direct Taxes in Circular No.3/2018 dated 11.07.2018, this tax case appeal is dismissed on the ground of low tax effect, leaving the substantial questions of law open, which have been framed for consideration. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,
"D" Bench, Chennai.

2.The Commissioner of Income Tax(Appeals),
Salem.

3.The Deputy Commissioner of Income Tax,
Central Circle, Salem.

+1cc to Mr.S.Sridhar, Advocate Sr.52817
+1cc to Mr.T.R.Senthilkumar, Advocate Sr.52583

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srg 21/08/2018