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.515 of 2010

Commissioner of Income Tax,
Central II, Chennai. .. Appellant

vs.

A.Govindasamy .. Respondent

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal "C" Bench, Chennai dated 06.11.2009 passed in I.T. (S.S.) A. Nos.80/Mds/2008. Appeal against the order passed by the Commissioner of Income Tax (Appeals) Tiruchirapalli, dated 6.8.2008 in ITA.No.244/CIT(A)/06-07 for the Assessment year 2002-2003 against the order passed by the Commissioner of Income Tax (Appeals) Tiruchirapalli, dated 6.8.2008 in ITA.No.245/CIT (A/06-07 for the assessment year 1996-97 to 2002-03 against the order passed by the Asst. Commissioner of Income-Tax, Central Circle-II, Tiruchirapalli dated 29/3/2004 in AFMPG 7396E (GIR NO.G.702) for the assessment year 2002-2003 against the order passed by the Asst. Commissioner of Income Tax Central Circle-II, Tiruchirapalli, dated 26.03.2004 in AFMPG7396E (GIR.NO.G.702) for the Assessment year 1996-97 to 2002-3003.

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

For Respondent : Mr.R.Sivaraman

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 year 1996-1997 to 2002-2003 till 06.03.2002:

"1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right deleting the addition of Rs.16,38,351/- made in the block assessment towards unexplained opening capital by merely relying on the unsubstantiated statements of 10 debtors and overlooking the fact that the assessee had not filed any returns of income for any assessment year prior to the block period, nor had any documentary evidence in support of such opening capital?

2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the addition of Rs.14,04,323/- relating to the assessment year 2002-03 comprised in the block period disregarding the fact the assessee had not maintained any books of account and wrongly relying on Section 158BB(1)(d) without considering the relevant section under Section 158b(d)?

3.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the addition referred to the previous question disregarding the fact that the assessee himself had pleaded before the Commissioner of Income Tax (Appeals) that no income was assessable in the regular assessment for the assessment year 2002-03?

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(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

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

2. The Commissioner of Income Tax (Appeals) Tiruchirapalli.

3. The Assistant Commissioner of Income Tax, Central Circle-II, Tiruchirapalli.

4. The Commissioner of Income Tax Central-II, Chennai.

+1 cc to MR.R. Sivaraman, Advocate Sr.539241
+1 cc to Mr.T.R. Senthilkumar, Advocate Sr.52582

T.C.(A).No.515 of 2010

SSI(CO)
EU(21/08/2018)