

In the High Court of Judicature at Madras

Dated : 02.11.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.28 of 2017

Principal Commissioner of Income
Tax-I, Chennai-34 ...Appellant

Vs

M/s.Chettinad International Coal
Terminal P. Ltd., Chennai-6. ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 09.6.2016 in ITA No.2187/Mds/2013 on the file of the Income Tax Appellate Tribunal Madras 'A' Bench for the assessment year 2007-08, against the order of ITA No.250/09-10/A-1 dated 23.10.13 on the file of Commissioner of Income Tax (Appeals)-1, 121, Mahatma Gandhi Road, Chennai-34 for the Assessment Year 2007-08, against the Assistant Commissioner of Income Tax company circle-I(3), Chennai-34 made in GIR/PAN No.AACCC7786J dated 11/12/09 for the Assessment Year 2007-08.

For Appellant : Mr.T.R.Senthil kumar

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

Judgment was delivered by T.S.SIVAGNANAM, J

Heard the learned counsel for the appellant.

2. This appeal by the Revenue challenges the order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee.

3. The Revenue seeks to withdraw the appeal 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 In the light of the above, the appeal is dismissed as withdrawn and the substantial questions of law raised are left open. In the event, the tax effect is above the threshold limit fixed in the said circular under exceptional clauses mentioned in the circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeal to be heard and decided on merits.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Income Tax Appellate Tribunal, Madras 'A' Bench.
- 2.The Principal Commissioner of Income Tax I,
Chennai-34.
- 3.The Commissioner of Income Tax (Appeals)-1,
121, Mahatma Gandhi Road, Chennai-34.
- 4.The Assistant Commissioner of Income Tax,
Company circle I(3), Chennai-34.
- 5.The Assistant Registrar,
Income Tax Appellate Tribunal, IIIrd Floor,
Rajaji Bhavan, Besant Nagar, Chennai-90.

+1cc to Mr.S.Sridhar, Advocate Sr.76065

सत्यमेव जयते

TCA.No.28 of 2017

skv(CO)
srg(11/12/2018)

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