In the High Court of Judicature at Madras

Dated : 22.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.775 & 776 of 2017 & CMP.No.19672 of 2017

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

Vs

M/s.BASF Catalysts India P. Ltd.,
Kancheepuram-603209 ...Respondent/Appellant

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 10.11.2016 in ITA Nos.650 and 651/Mds/2016 on the file of the Income Tax Appellate Tribunal Madras 'A' Bench respectively for the assessment years 2009-10 and 2010-110 and against the order of the Commissioner of Income Tax (Appeals)I, Chennai 34 dated 15.12.2015 made in I.T.A. No. 70/2013-2014(New No. ITA 162/CI(A)-1/2013-2014) and ITA.No. 101/14-2015(New No. ITA.No.61/CIT(A)I/2014-2015) respectively and against the order of the Additional Commissioner of Income Tax, Company Range I, Chennai 34 dated 25.03.2013 and 17.03.2014 made in Assessment order under Section 143(3) r.w.s.92(A) for the assessment year 200-2010 and 2010-2011 respectively.

For Appellant : Mr.T.Ravikumar & Mrs.R.Hemalatha
For Respondent : Mr.N.V.Balaji

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 In the light of the above, the appeals are dismissed as withdrawn and the substantial questions of law raised are left open.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. Consequently, the connected CMP is also dismissed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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

2. The Commissioner of Income Tax, Chennai.

3. The Commissioner of Income Tax, (Appeals)I
Chennai.

4 The Additional Commissioner of Income Tax
Company Range I
Chennai 34.

+1 CC to Mr.N.V.Balaji, Advocate sr 72523.
+2 Ccs to Mr.T.Ravikumar, Advocate sr 72206 & 72207

TCA.Nos.775 & 776 of 2017
and CMP.No.19672 of 2017

BR(CO)
SP(20/11/2018)