

In the High Court of Judicature at Madras

Dated : 23.10.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.9 of 2017

The Commissioner of Income Tax,
Circle-I, Madurai ...Appellant/Appellant

Vs

The Metal Power Company Ltd.,
Maravankulam, Thirumangalam
Madurai-625806 ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 31.3.2016 in ITA No.1143/Mds/2014 on the file of the Income Tax Appellate Tribunal Chennai 'C' Bench, Chennai for the assessment year 2010-11 against the order of the Commissioner of Income Tax (appeals) I, Chennai dated 03.02.2014 and made in I.T.A. No. 0088/2012-2013 for the assessment year 2010-2011 filed against the order of the Deputy Commissioner of Income Tax Circle I(1) Madurai dated 01.03.2013 and made in P.A. No. AAAct4262 E for the Assessment year 2010-2011.

For Appellant : Mr.M.Swaminathan & Ms.V.Pushpa
For Respondent : Mr.A.S.Sriraman

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 In the light of the above, the appeal is dismissed as withdrawn and the substantial questions of law framed are left open. In the event 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 appeal to be heard and decided on merits. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

To

- 1.The Income Tax Appellate Tribunal, Chennai 'C' Bench.
 2. The Commissioner of Income Tax(Appeals)I
Madurai.
 3. The Deputy Commissioner of Income Tax
Circle I(1), Madurai.
 4. The Commissioner of Income Tax
Circle I, Madurai.
- +1 CC to Mr.M. Swaminathan, Advocate sr 71802.

TCA.No.9 of 2017

SV(CO)
SP(15/11/2018)

सत्यमेव जयते

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