IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE DR.JUSTICE ANITA SUMANTH

Tax Case Appeal No.1007 of 2009

Commissioner of Income Tax,
Chennai. Appellant/Appellant

Vs.

M/s.Hussiana Jewellers Respondent/Respondent

Tax Case Appeal filed under Section 260-A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 13.02.2009, made in ITA No.2270/Mds/2007 against the order of the Commissioner of Income Tax (Appeals) - IV, Chennai, dated 02/07/2007 in IT (A) IV/CEH/708/06-07 against the assessment order passed under section of I.T.Act, 1961, dated 21.12.2006 by Joint Commissioner of Income Tax, Range X, Chennai-6.

For Appellant : Mr.T.Ravikumar,
Senior Standing Counsel.

For respondent : Mr.G.Asokapathy,
for M/s.Pass Associates

J U D G M E N T
(Delivered by DR.VINEET KOTHARI,J.)

This Tax Case Appeal has been filed by the Revenue, calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, Madras 'A' Bench, dated 13.02.2009, in ITA No.2270/Mds/2009, by raising the following substantial question of law :

> " Whether on the facts and circumstances of the case, the Income Tax Tribunal was right in law in holding that the addition of Rs.14,90,2004/- made under Section 41 (1) of the Income Tax Act 1961 or under Section 56 of the Act on account of unexplained cash credit ?

2. When the matter is taken up for hearing, the learned Standing Counsel for the Department brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.3/2018, dated 11.7.2018, wherein, it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.50.00 lakhs.

3. In the instant case, the tax effect is said to be less than the monetary limit imposed and, therefore, the appeal filed by the Revenue is dismissed, as not pressed, keeping open the substantial question of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dixit

To

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

2.The Commissioner of Income Tax- (Appeals) IV,
Chennai.

3.The Joint Commissioner of Income Tax,
Range – X, Chennai-6.

4.The Commissioner of Income Tax,
Chennai-34.

+1cc to Mr. T.Ravi Kumar, Advocate, S.R.No. 4344



TCA No.1007 OF 2009

SSD(CO)
GN(15/02/2019)