IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.4.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Tax Case Nos.2047 & 2048 of 2008

Commissioner of Income Tax
Chennai   Appellant/Respondent

Vs.

M/s.Consolidated Civil
Construction (I) Ltd.,
2G and 2E, Lakshmi Bhavan,
609, Anna Salai, Chennai 600 006.   Respondent/Appellant

Tax Case filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 31.1.2008 made in ITA No.734/Mds/2004 and I.T.A.No.1047/Mds/2006 against the order of the office of the Commssioner of Income Tax (Appeal) III 121, Mahatma Gandhi Road, Chennai-600 034 ITA No.263/2005-06/AIII, dated 24/01/06 and GI No./PA No.AAACC13700 for the assessemnt year 1998-99 and against the order of the Assistant Commissioner of Income Tax, Company Circle 1(3) 121, Mahatma Gandhi Road, Aayakar Bhavan-New Block, VI Floor, chennai-34, for the Assessment year 1998-99 dated 30/03/2005 and against the order of the Commissioner of Income Tax (appeals -III), 121, Mahatma Gandhi Road, Chennai-600034, Ita No.128/2003-2004/AIII, dated 23/12/2003 respectively.

For Appellant : Mr.T.Ravikumar
Senior Standing Counsel

For Respondent : Mr.N.V.Balaji

COMMON JUDGMENT
(Delivered by DR.VINEET KOTHARI,J)

These Tax Cases have been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'A' Bench, Chennai, dated 31.1.2008 made in ITA No.734/Mds/2004 and I.T.A.No.1047/Mds/2006, by raising the following substantial question of law:

"i) Whether, on the facts and in the circumstances of the case the Tribunal was right in deleting the penalty levied on the assessee under Section 271(1)(c) when the assessee had offered the amount of Rs.1,03,02,425/- after the survey and the issue of notice under Section 148?"

2. When the matter is taken up for admission, the learned Standing Counsel 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 lakhs.

3. In the instant cases, the tax effect is said to be less than the monetary limit imposed and therefore, the Tax Cases filed by the Revenue are dismissed as not pressed, keeping open the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

ssk.

To

1. Commissioner of Income Tax, Chennai

2. Income Tax Appellate Tribunal,
Madras 'A' Bench, Chennai

3. The Deputy Commissioner of
Income Tax,
Company Circle - I(4), Chennai 600 034.

4. The Deputy Commissioner of Income Tax,
Company Circle I (3) Chennai.

5. The Assistant Commissioner of Income Tax,
Company Circle 1(3), Chennai.

6. The Additional Commissioner of Income Tax,
(Appeals) II, Chennai-600 034.

7. The Commissioner of Income Tax (Appeals) III
Chennai-600 034.

+1cc to Mr.N.V.Balaji, Advocate SR.No.37190

+1cc to Mr.T.Ravikumar, Advocate SR.No.36132

NA(CO)
GMY(18/06/2019)