IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.9.2019

CORAM

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

Tax Case No.1344 of 2009

Commissioner of Income Tax
Chennai IV. Appellant

Vs.

Smt.P.Ananthanayagi Respondent

Tax Case filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'C' Bench, Chennai, dated 29.5.2009 made in ITA No.2053/Mds/2008.

For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel
For Respondent : Ms.Sree Lakshmi Valli.

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

This Tax Case has been filed by the Revenue, calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'C' Bench, Chennai, dated 29.5.2009 made in ITA No.2053/Mds/2008, for the Assessment Year 2005-2006, by raising the following substantial question of law:

"(i) Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee was entitled to exemption under Section 54F claimed at Rs.16,96,579/- even though the assessee owned two residential properties at the time of claiming exemption under Section 54F?"

2. When the matter is taken up for hearing, learned Senior Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8th August 2019, 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.1,00,00,000/- (Rupees One Crore).

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is said to be less than the monetary limit imposed and therefore, the Appeal filed by the Revenue is dismissed, as withdrawn, keeping open the substantial question of law for determination in appropriate cases. No costs.

(V.K.,J.) (C.S.N.,J.)
6.9.2019

Index : Yes/No
Internet : Yes/No
ssk.

To

1. Commissioner of Income Tax
   Chennai IV.

2. Income Tax Appellate Tribunal,
   'C' Bench, Chennai.

3. The Income Tax Officer,
   Business Ward I (1),
   Chennai 600 034.

DR.VINEET KOTHARI, J.
and
C.SARAVANAN, J.

ssk.

Tax Case No.1344 of 2009

6.9.2019.