IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.4.2019

CORAM

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

Tax Case Nos.2203 to 2206 of 2008

The Commissioner of Income Tax
Tamil Nadu-VII, Madras Appellant/Appellant in All TCs

Vs.

M/s.Sholavaram Stud Farm,
Mettu Soorapet, Orakkadu PO.,
Sholavaram, Chennai 600 067.
PAN: AADFS8945B Respondent/Respondent in All TCs

Tax Cases filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'C' Bench, Chennai, dated 30.5.2008 made in ITA Nos.1679/Mds/2007 to 1682/Mds/2007 respectivel against the order passed by the commissioner of Income Tax(A)XI, Chennai dated 07/03/2007 made in ITA No.362, 363, 364 & 365/06-07 against the Assessment orders passed by the Income Tax Officer Ward I(4) Tambaram, dated 26/12/2006 made in PA No.GIR Nos.AADFS8945B and AADFS8945B for Assessment year 1998-99, 1999-2000, 2001-02 and 2003-03.

For Appellant : Mr.M.Swaminathan
Senior Standing Counsel assisted by
Ms.Pushpa

For Respondent : Mr.A.S.Sriraman for
Mr.A.S.Sridhar



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, 'C'Bench, Chennai, dated 30.5.2008 made in ITA Nos.1679/Mds/2007 to 1682/Mds/2007 by raising the following substantial questions of law:

"i) Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the re-

assessment could not be validly initiated on the basis of information from the Department of Revenue Intelligence regarding Customs Undervaluation?
ii) Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the re-assessment is not valid, when it was done on the basis of the order of the Customs and Excise Settlement Commission before which the assessee had made a full and true disclosure of the amount?"

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 Appeals filed by the Revenue are dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk.

To

1. The Commissioner of Income Tax, Tamil Nadu-VII, Madras

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

3. The Income Tax Officer, Ward I(4), Tambaram.

4. The Commissioner of Income Tax,(Appeals) XI, Chennai-34

+1cc to Mr.M.Swaminathan, Advocate SR.No.38093

T.C.Nos.2203 to 2206 of 2008

EV(CO)
GMY(24/06/2019)