IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM

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

Tax Case Appeal No. 212 of 2009

Commissioner of Income Tax
Chennai. Appellant /Respondent

Vs.

M/s. Chennai Properties &
Investment Ltd.,
19, Cathedral Garden Road
Chennai – 600 034.
PAN/GI No. 34101-C Respondent/Appellant

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 06.06.2008 made in IT (SS)A No.44/Mds/2002 against the Order of the Commissioner of Income Tax (Appeals) II, Coimbatore, dated 26/12/2001 in Appeal No. 164-C/200/02 against the Order of the Deputy Commissioner of Income Tax, Central Circle III (4), Chennai-34 dated 30.11.2000 in G.I.No. 34101-C against the Order of the Deputy Commissioner of Income Tax, Central Circle III(4), Chennai 600 034, dated 24-12-1999 in P.A.No./G.I.No.AAACC3726G/34101-C.

For Appellant : M/s. Premalatha
Senior Standing Counsel

For Respondent : M/s. A.S.Sriraman
for S.Sridhar

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, by raising the following substantial questions of law:

"(i) Whether in the facts and circumstances of the case, the was right in deleting the penalty levied u/s 158FA (2) of the Income Tax Act even when the assessee has wilfully made false claims before the assessing Officer, even in the block return filed?;

(ii) Whether in the facts and circumstances of the case, the Tribunal was right in condoning the delay of 1787 days in filing of the cross objection when the assessee had not produced any convincing reasons for such an inordinate delay?".

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 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 questions of law for determination in an appropriate case.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Vsg

TO

1.The Commissioner of Income Tax,
Chennai.

2.The Commissioner of Income Tax Appeals - II,
Coimbatore.

3.The Deputy Commissioner of Income Tax,
Central Circle III (4), Chennai-34.

+1cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.11104

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SSD(CO)
GN(27/02/2019)