IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.1.2019

CORAM

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

Tax Case Appeal No.508 of 2009

The Commissioner of Income Tax
Central II, Chennai ... Appellant /Appellant

Vs.

Smt.M.K.Sameera ... Respondent/Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai, dated 17.7.2008 made in IT (SS)A No.156/Mds/2007, preferred against the order of the Commissioner of Income Tax (Appeals) II, Chennai in ITA No.1/07-08 dated 17.8.2007 filed against the Assessment Order of the Deputy Commissioner of Income Tax Central Circle II (3) dated 28/02/2007.

For Appellant : Mr.T.R.Senthilkumar and K.G.Usharani
Senior Standing Counsel

For respondent : Mr.K.Rathinal

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, 'B' Bench, Chennai, dated 17.7.2008 made in IT(SS)A No.156/Mds/2007, by raising the following substantial questions of law:

"(i) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in law in deleting the addition of Rs.15,70,000/- towards unexplained cash credit, under Section 68 of the Income Tax Act, 1961 is valid in law?

ii) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in law in deleting the addition of Rs.77,700/- made towards purchase of property from Sri.K.V.Saleem, even though there was no consideration the registration charges are to be borne by the assessee?"

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(CCC)

//True Copy//

Sub Assistant Registrar

ssk
To

1.The Assistant Registrar,
Income Tax Appellate Tribunal
Bench 'B' Chennai.

2.The Commissioner of Income Tax (Appeals II)
Chennai.

3.The Deputy Commissioner of Income Tax,
Central Circle 11(3), Chennai.

+1cc to M/S.T.R.Senthilkumar, Advocate sr.2949
+1cc to M/S.N.V.Balaji, Advocate sr.2438

TCA No.508 of 2009

rsi[co]
srg 21/02/2019