IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.3.2019

CORAM

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

Tax Case Appeal Nos.719 and 720 of 2009

The Commissioner of Income Tax-II
Coimbatore. Appellant

Vs.

M/s.Chandra Engineering Works,
KNM Compound, Ooty Road,
Coimbatore 643 101.
PAN: AABFC4170C Respondent

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 22.12.2008 made in ITA Nos.32/Mds/2008 and 33/Mds/2008 against the order of the commissioner of Income Tax (Appeals)-I Coimbatore of the Assessment Year 2002-2003 and 2003-04 dated 22.10.2007 and 23.10.2007 against the order of the Deputy Commissioner of Income Tax, Circle I(1) ooty dated 8.12.2006 for the Assement Year 2002-2003 and 2003-2004.

For Appellant : Mrs.K.G.Usharani
Junior Standing Counsel
For respondent : No appearance.

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

These Tax Case Appeals 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 22.12.2008 made in ITA Nos.32/Mds/2008 and 33/Mds/2008, by raising the following substantial question of law:

> "Whether, on the facts and circumstances of the case, the Appellate Tribunal was right in holding that the Assessing Officer cannot rectify the order passed under Section 143(1) of the Act by resorting to the provisions of Section 154 of the Income Tax Act?"

2. When the matters are 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 is dismissed as not pressed, keeping open the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To
1. The Commissioner of Income Tax-II
   Coimbatore.

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

3. The Assistant Commissioner of
   Income Tax,
   Circle I(1), Ooty.

+1cc to Mr.T.R.Senthil Kumar , Advocate SR.No. 25920

TCA Nos.719 & 720 of 2009

A.SK(28/05/2019)