IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Tax Case (Appeal) Nos.728 to 730 of 2009

Commissioner of Income Tax
Salem ... Appellant in all cases

Vs.

The Print Serve,
The Salem District Printers service
Industrial Cooperative society Ltd.,
Varadappan St.,
Fort Salem ... Respondent in all cases

Tax Case Appeal No.728 of 2009 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 13.05.2004 in ITA No.2237/Mds/2003, against the order of the Commissioner of Income Tax (Appeals), Salem, dated 01.09.2003 made in ITA.No.76/02-03 for the Assessment year 1998-99, against the order of the Income Tax Officer, Ward-I(1), Salem dated 11/02/2002 made in PAN/GIR.No.T-11100/ W-I(1)/SLM for the Assessment year 1998-99.

Tax Case Appeal No.729 of 2009 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 13.05.2004 in ITA No.2238/Mds/2003, against the order of the Commissioner of Income Tax (Appeals), Salem, dated 01.09.2003 made in ITA.No.77/02-03 for the Assessment year 1999-2000 against the order of the Income Tax Officer, Ward-I(1), Salem dated 11/02/2002 made in PAN/GIR.No.T-11100/ W-I(1)/SLM for the Assessment year 1999-2000.

Tax Case Appeal No.730 of 2009 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax

Appellate Tribunal, Chennai "A" Bench, dated 13.05.2004 in ITA No.2239/Mds/2003, against the order of the Commissioner of Income Tax (Appeals), Salem, dated 01.09.2003 made in ITA.No.768/02-03 for the Assessment year 2000-2001, against the order of the Income Tax Officer, Ward-I(1), Salem dated 11/02/2002 made in PAN/GIR.No.T-11100/ W-I(1)/SLM for the Assessment year 2000-2001.

For Appellant : Mr.M.Swaminathan

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, Chennai "A" Bench, Chennai, dated 13.05.2004, in I.T.A.Nos.2237 to 2239/MDS/2003, for the Assessment Years 1998-99, 1999-2000, 2000-01 by raising the following substantial question of law:

> "Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee Cooperative Society is engaged in the "collective disposal fo the labour of its members" and is eligible for deduction under Section 80(P)(2)(a)(vi)? "

2. When the matter is taken up for hearing, learned 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 Appeals filed by the Revenue are dismissed as withdrawn, keeping open the substantial question of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Income Tax Appellate Tribunal,
   'A' Bench, Chennai.

2. The Commissioner of Income Tax,
   Salem.

3. The Commissioner of Income Tax(Appeals),
   Salem.

4. The Income Tax Officer,
   Ward -I(1), Salem.

+1 cc to M/s.M.Swaminathan,Advocate Sr.No. 100681

AKM/22.01.2020/3P-6C /

DR.VINEET KOTHARI, J.
and
R.SURESH KUMAR, J.

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T.C.A.Nos.728 to 730 of 2009

02.12.2019