In the High Court of Judicature at Madras

Dated : 19.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.1064 & 1065 of 2010

The Commissioner of Income
Tax, Chennai ...Appellant/Petitioner

Vs

M/s.N.P.V.Ramasamy Udayar
(HUF), rep.by Kartha Chennai-18. ...Respondent/Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 28.3.2008 made in ITA.Nos.1463 and 1668/Mds/2007 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 1999-2000 against the order passed by the Commissioner of Income Tax (Appeals)-I, Chennai-34, made in ITA No.96/06-07, dated 19.03.2007 against the assessment order passed by the Assistant Commissioner of Income Tax, Central Circle I(3), Chennai-34, made in PA/GIR No.AAAHV2764E dated 21.11.2006.

For Appellant: Mr.T.R.Senthilkumar, SSC assisted by
Ms.K.G.Usharani, SC

For Respondent : No appearance

COMMON JUDGMENT
(Judgment was delivered by T.S.Sivagnanam,J)

We have heard Mr.T.R.Senthilkumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, learned Standing Counsel appearing for the appellant - Revenue.

2. These appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961, are directed against the common order dated 28.3.2008 made in ITA.Nos.1463 and 1668/Mds/2007 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 1999-2000.

3. The appeals were admitted on 07.12.2010 on the following substantial questions of law :

> "i. Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the interest of Rs.18,28,017/- paid on loan taken from Sundaram Finance Limited has to be deleted ? and
>
> ii. Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the interest received from KBDL cannot be assessed to tax in the present assessment year 1999-2000?"

4. The learned Senior Standing Counsel for the appellant submits that the above appeals are not pursued by the Revenue on account of the low tax effect in terms of Circular No.17/2019 dated 08.8.2019 issued by the Central Board of Direct Taxes. By the said Circular, the monetary limit for filing or pursuing an appeal before the High Court has been increased to Rs.1 Crore. It is further submitted that the tax effect in the respective cases is less than the threshold limit.

5. In the light of the said submissions, the above tax case appeals are dismissed on account of the low tax effect. The substantial questions of law framed are left open. In the event the tax effect in the respective cases is above the threshold limit fixed in the said circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeals to be heard and decided on merits.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

RS

To

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

2. The Commissioner of Income Tax, (Appeals) I, Chennai-34

3. The Assistant Commissioner of Income Tax, Central Circle I(3), Chennai.

+1cc to Mr.T.R.Senthilkumar, Advocate SR.No.70467

TCA.Nos.1064 & 1065 of 2010

BS(CO)
GMY(14/10/2019)