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 No.1078 of 2010

Commissioner of Income
Tax-I, Coimbatore ...Appellant

Vs

B.N.Properties Holdings (P) Ltd.,
Coimbatore-18. ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 26.5.2010 made in ITA.No.287/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2007-08., against the order o the commissioner of Income Tax (Appeals) in ITA No.82/09-10 against the Assessment order of the Assistant Commissioner of Income Tax dated 11.9.2009 for the assessment year 2007-08.

For Appellant : Mrs.R.Hemalatha, SSC

For Respondent: Mr.N.Quadir Hoseyn

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.R.Hemalatha, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.N.Quadir Hoseyn, learned counsel appearing for the respondent - assessee.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 26.5.2010 made in ITA.No. 287/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2007-08.

3. The appeal was admitted on 15.11.2010 on 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

setting aside the orders of the Lower Authorities and remitted back to the Assessing Officer with a direction to refer the valuation of the property to the Valuation Officer in accordance with Sub-Section (2) of Section 50C of the Act is valid ? and

ii. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in setting aside the orders of the Lower Authorities and remitted back to the Assessing Officer with a direction to refer the valuation of the property to the Valuation Officer in accordance with Sub-Section (2) of Section 50C of the Act, even after the valid authority constituted by the State Government has fixed the value is against the provisions contained in Section 50C of the Act?”

4. The learned Senior Standing Counsel for the appellant submits that the above appeal is 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 this case is less than the threshold limit.

5. In the light of the said submissions, the above tax case appeal is dismissed on account of the low tax effect. The substantial questions of law framed are left open. In the event the tax effect 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 appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

RS

To

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

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

3.The Assistant Commissioner Of Income Tax
Company Circle-I(1), Coimbatore.

+1cc to Mr.N.Quadir Hoseyn, Advocate, SR.70267
+1cc to Mr.T.R.Senthil Kumar, Advocate SR.70464

TCA.No.1078 of 2010

PPA(CO)
CB(14/10/2019)