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.1097 to 1099 of 2010

The Commissioner of Income Tax,
Chennai

...Appellant/Respondent in all Appeals

Vs

M/s.Subuthi Finance Ltd.,
Chennai-6

...Respondent/Appellant in all Appeals

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 30.10.2009 made in ITA.Nos.1271 to 1273/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years 1996-97 to 1998-99, against the order of the Commissioner of Income Tax(Appeals)-V, Chennai-34 made in ITA.Nos.118, 119 & 120/206-07 dated 08.08.2008 against the order of the Assistant Commissioner of Income Tax, Company Circle VI(4), Chennai made in G.I.NO.Su-57/1996-97, Su-57/1997-98, and Su-57/1998-99 dated 21.03.2006 for the assessment year 1996-97, 1997-98 and 1998-99.

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

For Respondent:Mr.A.S.Sriraman in all Cases

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 and Mr.A.S.Sriraman, learned counsel for the respondent - assessee.

2. These appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961, are directed against the common order dated 30.10.2009 made in ITA.Nos.1271 to 1273/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years 1996-97 to 1998-99.

3. The appeals were admitted on 14.2.2011 on the following substantial question of law :

> "Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in deleting the penalty under Section 271(1)(c), when the Assessing Officer has clearly established with reference to evidence gathered that the assessee has concealed income and furnished inaccurate particulars thereof, without applying the ratio of the decision of the Supreme Court in the case of M/s.Dharmendra Textile Processors [reported in 306 ITR 277] ?"

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 question of law framed is 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. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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

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

3.The Assistant Commissioner of Income Tax,
Company circle VI(4),
Chennai.

+1cc to Mr.T.R.Senthilkumar, Advocate sr.70466
+1cc to Mr.S.Sridhar, Advocate sr.70081

TCA.Nos.1097 to 1099 of 2010

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nr 14/10/2019