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.1167 of 2010

The Commissioner of Income Tax, Chennai ...Appellant

Vs

Shri.Sivaprasada Reddy ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 02.7.2010 made in ITA.No.516/Chny/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2005-06. against the order of the Commissioner of Income Tax, Chennai-IV Room No.301, New Block, Aayakar Bhavan, 121, Mahatma gandhi Road, Chennai-600 034 dated 11/3/10 in C.No.1321(3)/CIT-IV/09-10. PAN/No.ALTPS 8164K, for the Assessment year 2005-06. and against the order of the Income tax officer media ward III, Chennai 34. address 4c, a Block, Prof.Subramaniam street kilpauk chennai -600 010, dated 19/11/07. PAN/GIR no.ALTPS8164K, for the Assessment year 2005-06 respectively.

For Appellant: Mr.M.Swaminathan, SSC assisted by Ms.V.Pushpa, SC

For Respondent: Mr.R.Sivaraman

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel, assisted by Ms.V.Pushpa, learned Standing Counsel appearing for the appellant - Revenue and Mr.R.Sivaraman, 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 02.7.2010 made in ITA.No. 516/Chny/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the

assessment year 2005-06.

3. The appeal was admitted on 19.1.2011 on the following substantial questions of law :

> "i. Whether, on the facts and circumstances of the case, the Tribunal was right in quashing the order of revision passed by the Commissioner of Income Tax under Section 263 ?
>
> ii. Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the assessee is entitled for the deduction of expenses towards prints and publicity ?"

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

To

1.The Assistant Comissioner of Income Tax,
Ward III, Chennai.

2.The Commissioner of Income Tax(Appeals)XII,
121, Mahatmagandhi Road, Nungambakkam,
Chennai-34.

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

4.The Commissioner of Income Tax(IV)
M.G.Road, Chennai-34.

+1cc to M/s.M.Swaminathan, Advocate SR.70417

TCA.No.1167 of 2010

AD(CO)
CB(24/10/2019)