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.1283 to 1287 of 2010

The Commissioner of Income Tax, Chennai ...Appellant in all cases

Vs

Dr.Madan Mohan Reddy ...Respondent in all cases

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 02.7.2010 made in ITA.Nos.132 to 136/Chny/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years from 2001-02 to 2005-06 against the order dated 24.11.2009 made in I.T.A. Nos. 16/520/2009-2010 on the file of the Commissioner of Income Tax (Appeals) VI, Chennai for the assessment year 2001-2002 to 2005-2006.

against the order dated 18.12.2008 made in P.A/G.I. No. AGQPM8435K on the file of the Deputy Commissioner of Income Tax Circle 1, Chennai for the assessment year 2001-2002 to 2005-2006.

For Appellant: Mr.Karthik Ranganathan,
Senior Standing Counsel
assisted by Mr.S.Rajesh,
Standing Counsel

For Respondent:Mr.R.Janakiraman

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

We have heard Mr.Karthik Ranganathan, learned Senior Standing Counsel assisted by Mr.S.Rajesh, learned Standing Counsel appearing for the appellant - Revenue and Mr.R.Janakiraman, 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 02.7.2010 made in ITA.Nos.132 to 136/Chny/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years from 2001-02 to 2005-06.

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

> "i. Whether, on the facts and circumstances of the case, the Tribunal was right in deleting the levy of penalty under Section 27(c) for all the assessment years without giving any findings? and
>
> ii. Whether, on the facts and circumstances of the case, the Tribunal was right in deleting the levy of penalty for all the assessment years contrary to the law laid down in 30 ITR 565 and 52 ITR 591?"

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. No costs.

-s/d-
Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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

2.The Commissioner of Income Tax (Appeals)VI,
121, Mahathma Gandhi Road
Chennai 34.

3.The Deputy Commissioner of Income Tax Circle 1
Chennai.

RSV(CO)
SP(03/10/2019)