IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.3.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Tax Case Appeal No.508 of 2010

Commissioner of Income Tax
Chennai. : Appellant

Vs.

Dr.R.Shivakumar : Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'D' Bench, Chennai, dated 20.2.2009 made in ITA No.902/Mds/2008 against the proceedings of the Commissioner of Incoem Tax(A) dated 16.01.2008 in I.T.A.No.133/06-07 against the order of the Assistant Commissioner Central Circle(3), Chennai, dated 29.12.2006 for the Assessment Year 2000-01.

For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel
For respondent : Mr.M.P.Senthilkumar

J U D G M E N T

(Delivered by DR.VINEET KOTHARI,J)

This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'D' Bench, Chennai, dated 20.2.2009 made in ITA No.902/Mds/2008, by raising the following substantial question of law:

"Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the reduction of the addition by 12 lakhs from Rs.24.55 lakhs is proper by accepting the assessee's claim that the amount of Rs.12 lakhs was spent on levelling of ground in the subsequent year?"

2. When the matter is taken up for admission, the learned Standing Counsel brought to our notice the Circular instruction

issued by the Central Board of Direct Taxes vide Circular No.3/2018 dated 11.7.2018 wherein it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.50 lakhs.

3. In the instant case, the tax effect is said to be less than the monetary limit imposed and therefore, the appeal filed by the Revenue is dismissed as not pressed, keeping open the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Commissioner of Income Tax
Chennai.

2. The Income Tax Appellate Tribunal,
Madras 'D' Bench, Chennai

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

+1 cc to M/s.T.R.Senthil Kumar, Advocate Sr.No.25918
+1 cc to M/s.N.Muthukumar, Advocate, Sr.No.25503

TCA No.508 of 2010

PPA(CO)
CSL/03.05.2019