In the High Court of Judicature at Madras

Dated : 16.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.776 of 2010

The Commissioner of Income Tax, Central Circle II(1), Chennai ...Appellant/Respondent

Vs

Mrs.G.Sulochana ...Respondent/Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 29.1.2010 made in IT(SS)A.No.79/Mds/2003 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the block assessment period 1986-87 to 1996-97. Against the order dated 27-3-2003 and made in PAN/GIR NO.714-S on the file of the Deputy commissioner of Income Tax, Central Circle II(1), chennai-34.

For Appellant : Mr.T.R.Senthilkumar, SSC assisted by Ms.K.G.Usharani, JSC

For Respondent: No appearance

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 Junior Standing Counsel for the appellant - Revenue.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 29.1.2010 made in IT(SS)A.No.79/Mds/2003 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the block assessment period 1986-87 to 1996-97.

3. The appeal was admitted on 10.8.2010 on the following substantial questions of law :

> "i. Whether, on the facts and circumstances of the case, the Tribunal was right in fixing its own value contrary to

the value fixed by the DVO ?

ii. Whether, on the facts and circumstances of the case, the Tribunal was right in deleting the additions without giving any finding contrary to the finding of the Assessing Officer ? And

iii. Whether, on the facts and circumstances of the case, the Tribunal was right in following the order passed by this High Court in TCA.Nos.926 to 928 of 2004 dated 20.12.2004 when the Revenue preferred SLP against the order ?”

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.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

RS
To

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

2.The Deputy Commissioner of Income Tax,
Centre Circle-II(1), Chennai-34.

+1cc to Mr.T.R.Senthilkumar Advocate, S.R.No.69898

SSD(CO)
CB(23/09/2019)

TCA.No.776 of 2010