IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Tax Case Appeal No.830/2010

The Commissioner of Income Tax VI
Chennai. Appellant

Vs.

Shri B.Nagi Reddy
No.56C, Dr.Lakshmanasamy Salai
K.K.Nagar, Chennai 600 078. Respondent

Tax Case filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, ''B'', Chennai, dated 08.01.2010 passed in ITA.No.1175/Mds/2009, against the order of the Commissioner of Income Tax Appeal, Chennai, dated 21/04/2009 in ITA.No.68/2008-09, against the Assesment made for the year 2006-2007 in PAN.No.AAEPN4633Q, dated 29/12/2008 by Income Tax Officer, Business Circle IV(4), Chennai-34.

For Appellant : Mr.M.Swaminathan
Senior Standing Counsel
For Respondent : Mr.A.S.Shivamani
for Mr.S.Sridhar

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, ''B'' Bench, Chennai, by raising the following substantial questions of law:

"(i) Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in deleting Administrative and other expenses attributable to one project called Neutech Indira

Project, of the assessee in respect of which it has claimed under section 80IB of the Income Tax Act, 1961, is valid?
(ii]Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in deleting the addition made by the assessing officer, even though the assessing officer action is fully justified as is in accordance with the provisions of Section 80IB[13] read with Section 80IA[10] of the Income Tax Act, 1961? "

2. When the matter is taken up for hearing, 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 Tax Case Appeal filed by the Revenue is dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-
Deputy Registrar(CJ Conf)

// True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner of Income Tax Appeals VI
Chennai-34.

2.The Income Tax Appellat Tribunal,
“B” Chennai.

3.The Income Tax Officer, Business Circle IV(4),
Chennai-34.

+1CC to S.Sridhar, Advocate, SR.No.102715.

SSV(CO)
CSR:23.01.2020