IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.8.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TAX CASE APPEAL NOS.900 & 901 OF 2010

Commissioner of Income Tax,
Chennai ...Appellant

-Vs-

M/s.SRM Easwari Travels & Tours
India Pvt.Ltd., Chennai-33. ...Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 29.12.2009 made respectively in ITA.Nos.1429 and 1355/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2000-01 against the Order of the Commissioner of Income Tax (Appeals)-I, Chennai -34, dated 01.06.2009, and made in ITA No.221/06-07 for the Assessment Year 2000-01 against the Order of the Assistant Commissioner of Income Tax, Central Circle -I (3), Chennai -34,DATED 29.12.2006 made in PAN/GIR.No.AAFCS9620 N for the Assessment Year 2000-01.

For Appellant : Mr.T.R.Senthilkumar,
Senior Standing Counsel
assisted by
Ms.K.G.Usharani, SC

For Respondent: Ms.Sree Lakshmi Valli

COMMON JUDGMENT
(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 Standing Counsel appearing for the appellant - Revenue and Ms.Sree Lakshmi Valli, learned counsel appearing 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 29.12.2009 made respectively in ITA.Nos.1429 and

1355/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2000-01.

3. The appeals were admitted on 13.9.2010 on the following substantial questions of law :

> "i. Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the assessment order passed under Section 153C read with Section 153A read with Section 143(3) is bad in law, since satisfaction note was not recorded by the Assessing Officer of the searched party before handing over the records to the Assessing Officer of the other/present assessee ?
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> ii. Whether, on the facts and circumstances of the case, the Tribunal was right in holding that the assessment order passed under Section 153C read with Section 153A read with Section 143(3) is bad in law, when the Assessing Officer of the searched party and the other assessee herein are one and the same? And
>
> iii. Whether, on the facts and circumstances of the case, the Tribunal was right in not considering the appeal filed by the Revenue?"

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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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

2.The Commissioner of Income Tax
Chennai -34,

3.The Commissioner of Income Tax (Appeals)-I,
Chennai -34,

4.The Assistant Commissioner of
Income Tax, Central Circle -I(3),
Chennai -34,

+1cc to M/s.Sree Lakshmivalli, Advocate, SR.No.71039
+1cc to Mr.T.R.Senthil Kumar, Advocate, SR.No.70998

TCA.Nos.900 & 901 of 2010

Kak(09/10/2019)