IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM

THE HONOURABLE ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

Tax Case (Appeal) No.913 of 2010

Commissioner of Income Tax
Chennai ..Appellant/Appellant

Vs.

M/s.Rasi Exports Ltd.,
68C CP Ramasamy Road
Alwarpet, Chennai-108. ..Respondent/Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'C' Bench, Chennai, dated 19.3.2010 made in ITA No.1624/Mds/2009 against the order passed by the Commissioner of Income Tax (Appeals) V, Chennai 34 made in I.T.A. No. 86/2007-2008 dated 09.02.2009 and against the order passed by the Income Tax Officer(OSD) Company Range V(3) Chennai 34 made in C.No. 53038-R/2004-2005 dated 08.06.2007.

For Appellant : Mr.M.Swaminathan
Senior Standing Counsel
Assisted by M/s.S. Premalatha
Senior Standing Counsel

For Respondent : Mr.M.Karthik for
Mr.S.Sridhar

J U D G M E N T
(Delivered by Dr.VINEET KOTHARI, ACJ)

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, 'C' Bench, Chennai, dated 19.3.2010 made in ITA No.1624/Mds/2009, for the Assessment Year 2004-2005, by raising the following substantial question of law:

> " Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in deleting the penalty under Section 27(1)(c) when the Assessee has concealed the particulars of income?"

2.When the matter is taken up for hearing, learned Senior Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8th August 2019, 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.1,00,00,000/- (Rupees One Crore).

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is said to be less than the monetary limit imposed and therefore, the Appeal filed by the Revenue is dismissed, as withdrawn, keeping open the substantial question of law for determination in appropriate cases. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To

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

2.The Commissioner of Income Tax(Appeals)V
Chennai -34.

3. The Income Tax Officer (OSD),
   Company Circle V(3), Chennai.

+1 CC to Mr.M.Swaminathan, Advocate sr 88463.
+1 CC to Mr.S.Sridhar, Advocate sr 88358.

T.C.(A) No.913 of 2010

RR(CO)
SP(20/12/2019)