In the High Court of Judicature at Madras

Dated : 19.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.983 of 2010

The Commissioner of Income
Tax, Circle V, Chennai ...Appellant/Appellant

Vs

Smt.Uma Maheswari ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 31.3.2010 made in IT(SS)A.No.5/Mds/10 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the block assessment period 01.4.1989 to 08.12.1999, against the order dated 27/11/2009 made in ITA No.237/06-07 passed by the Commissioner of Income Tax (Appeals)-II, Chennai-34 against the order dated 14.09.2006 made in PAN:AAHPu 8697A/Block Assessment passed by the Assistant Commissioner of Income Tax, Central Circle III(2), Chennai-34 for the Assessment Year 01.04.1989 to 08.12.1999.

For Appellant: Mrs.R.Hemalatha, SSC

For Respondent:Mr.Kumar

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mrs.R.Hemalatha, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.Kumar, learned counsel appearing for the respondent - assessee.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 31.3.2010 made in IT(SS)A.No.5/Mds/10 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the block assessment period 01.4.1989 to 08.12.1999.

3. The appeal was admitted on 09.11.2010 on the following substantial question of law :

> "Whether, on the facts and circumstances of the case, the Tribunal was right in law in deleting the penalty levied under Section 158BFA(2) of the Income Tax Act?"

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 question of law framed is 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. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

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

3.The Assistant Commissioner of Income Tax,
Central Circle-III (2),
Chennai.

+1cc to Mr.T.Ravikumar, Advocate Sr.70065

NMI[co]
srg 27/09/2019