IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

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

Tax Case Appeal Nos.673 and 674 of 2011

Commissioner of Income Tax-I,
Tiruchirapalli. .. Appellant in both Appeals

-vs-

Sri.T.Vijayakumar (Ind),
No.28-B, NVV Enclave, Tennur,
Tiruchirapalli-620 017. .. Respondent in TCA No.673 of 2011

Sri.T.Vijayakumar (Ind),
No.28-B, NVV Enclave, Tennur,
Tiruchirapalli-620 017. .. Respondent in TCA No.674 of 2011

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 28.06.2011, made in I.T.(SS)A Nos.13 & 14/Mds/2010 on the file of the Income Tax Appellate Tribunal Bench 'D', Chennai, for the assessment block period 01.04.1996 to 13.07.2001 against the order of the commissioner of Income Tax(Appeals), Tiruchirapalli in ITA.No.128/07-08 and ITA.No.129/07-08 dated 10.03.2010, against the order of the Deputy Commissioner of Income Tax Circle III, Trichy, dated 29/11/2007 for the Block Period 01.04.1996 to 13/07/2001 and the Black period 01.04.1996 to 13/07/2001 dated 23/11/2007.

For Appellant : Mr.M.Swaminathan,
Senior Standing Counsel
: assisted by Ms.V.Pushpa
Standing Counsel

For Respondent : Mr.A.S.Sriraman for Mr.S.Sridhar

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COMMON JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

These appeals filed by the Revenue under Section 260A of the Income-tax Act, 1961 are directed against the common order dated 28.06.2011, made in I.T.(SS)A Nos.13 & 14/Mds/2010 on the file of the Income Tax Appellate Tribunal Bench 'D', Chennai, for the assessment block period 01.04.1996 to 13.07.2001.

2.The above appeals were admitted on 15.02.2012, on the following substantial question of law:-

> "Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessment made on the assessee u/s 158BD r/w Sec.158BC of the Income Tax Act was not valid since the notice issued by the Assessing Officer u/s 158BD after 28 months from the date of passing of the assessment order in the case of searched person, viz, M/s.Rama Newsprint & Papers Pvt. Ltd., Mumbai, was barred by limitation even though there was no statutory time limit prescribed under Income Tax Act for the issue of notice u/s 158BD?"

3.Heard Mr.M.Swaminathan, learned Senior Standing Counsel assisted by Ms.V.Pushpa, learned Standing Counsel for the appellant - and Mr.A.S.Sriraman, learned counsel for Mr.S.Sridhar, learned Counsel for the respondent.

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 08.08.2019 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 these 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 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 appeals to be heard and decided on merits. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

abr

To

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

2.The Commissioner of Income Tax(Appeals),
Tiruchirappali

3.The Deputy Commissioner of Income Tax Circle-III
Trichy

+1 cc to M/s.M.Swaminathan Advocate sr73019
+1 cc to Mr.S.Sridhar Advocate sr72492

T.C.A.Nos.673 and 674 of 2014

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