IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.8.2019

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.219 to 223 of 2012

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

Vs

Shri M.N.Rajaraman ...Respondent/ Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 18.11.2011 made in ITA.Nos.1734 to 1738/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years from 2000-01 to 2004-05 against the order of the Commissioner of Income Tax Appeals VI,121,Mahathma Gandhi Road , chennai 34 dated 30.07.2010 in ITA.NO.28,29,30,31&32/2010-2011/ GIR NO.AAA pR 6451 J and against the order of the Assisstant Commissioner of Income tax Central Circle I (3), 108,Mahathma Gandhi Road , chennai 34 dated 09.08.2006 PAN NO.AAA PR 6451 J for the Assessment Year 2000-01,2001-02,2002-03,2003-04,2004-05 respectively.

For Appellant: Mr.J.Narayanasamy, SSC
For Respondent: Mr.Quadir Hoseyn



COMMON JUDGMENT
(Judgment was delivered by T.S.Sivagnanam,J)

We have heard Mr.J.Narayanasamy, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.Quadir Hoseyn, 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 18.11.2011 made in ITA.Nos.1734 to 1738/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench respectively for the assessment years from 2000-01 to 2004-05.

3. The appeals were admitted on 01.10.2012 on the following substantial questions of law :

> "i. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in annulling the assessment holding that the notice issued under Section 153C of the Income Tax Act was invalid in law as the words 'satisfaction' was not used in the notices ?
>
> ii. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the Assessing Officer has not recorded requisite satisfaction under Section 153 before issue of notice and therefore, the assessment was bad in law ?
>
> iii. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding, as mentioned in preceding question, when the Assessing Officer of the person, in whose case, the search was conducted and the person, to whom, the notice under Section 153C was issued, was one and the same ? And
>
> iv. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in confirming the order of the CIT(A) in condoning the delay of 3 years 9 months and 26 days without passing a speaking and reasoned order for condoning exorbitant delay?"

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(CS VI)

//True Copy//

Sub Assistant Registrar

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

2.The Commissioner of Income Tax Appeals VI,121,Mahathma Gandhi Road , chennai 34

3.The Assisstant Commissioner of Income tax,Chennai 34

+1cc to Mr.Quadir Hoseyn , Advocate SR.No. 72239
+1cc to Mr.T.R.Senthil kumar , Advocate SR.No. 71736

TCA.Nos.219 to 223 of 2012

ad(CO)
A.SK(27/11/2019)