In the High Court of Judicature at Madras

Dated : 27.08.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.246 of 2015

The Commissioner of Income Tax,
Chennai. ...Appellant / Respondent

Vs

Shri Mansoor Sahib Bazir Ali ...Respondent / Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 12.05.2014 made in ITA.No.1997/MDS/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench for the assessment year 2009-10, and against the Order of the Commissioner of Income Tax (Appeals-V), Chennai - 34 dated 01/08/2013 made in ITA No.41/12-13 A-V, against the Order of the Joint Commissioner of Income Tax, Business Range - III, Chennai -34, dated 29/10/2012 made in PAN No.AHGPB3732P for the Assessment year 2009-10, and against the Order of the Income Tax Office Bus Ward III(2), Chennai-34 dated 26.09.2011 in PAN No.AHGPB3732P.

For Appellant : Mr.M.Swaminathan, SSC
and Ms.V.Pushpa, SC
For Respondent : Mr.R.Venkatanarayanan
for M/s.Subbaraya Aiyar Padmanabhan

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

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel, and Ms.V.Pushpa, learned Standing Counsel appearing for the appellant/revenue and Mr.R.Venkatanarayanan for M/s.Subbaraya Aiyar Padmanabhan, 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 12.05.2014 made in ITA.No.1997/MDS/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench for the assessment year 2009-10.

3.The appeal was admitted on 14.07.2015 on 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 levied under Section 271D of the Income Tax Act, 1961?"

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-IV)

//True Copy//

Sub Assistant Registrar

cse

To

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

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

3) The Joint Commissioner of Income Tax,
Business Range - III, Chennai -34.

+1 cc to M/s.Subbaraya Aiyar Padmanabhan, Advocate, S.R.No.73640

+1 cc to M/s.M.Swaminathan, Advocate, S.R.No.73567

TCA.No.246 of 2015

VG-I(CO)
SSM(05/11/2019)