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 Nos.562 and 563 of 2015

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

Vs

M/s.Amsteel Castings P. Ltd.,
No.1C, Prince Apartments,
No.59, Ormes Road, Chennai - 600 010. ...Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 05.08.2013 made in ITA.No.967/Mds/2013 and ITA.No.1194/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2009-10. Against the Order dated 19/2/13 made in ITA No.253/11-12 on the file of the commissioner of Income Tax (Appeals)-IX, Chennai, for the assessment year 2009-10.

Against the order dated 12/12/11 made in GIR PAN-AX-2017/AAACA5352Q. On the file of the Joint Commissioner of Income Tax(OSA)Company Circle-1(1) Chennai-34 for the assessment year 2009-10.

For Appellant : Mr.T.Ravikumar, SSC assisted by
Ms.R.Hemalatha, SSC

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

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

We have heard Mr.T.Ravikumar, learned Senior Standing Counsel assisted by Ms.R.Hemalatha, learned Standing Counsel appearing for the appellant - Revenue and Mr.A.S.Sriraman, learned counsel for Mr.S.Sridhar, 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 05.08.2013 made in ITA.No.967/Mds/2013 and ITA.No.1194/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2009-10.

3.The appeals were admitted on 24.07.2015 on the following substantial questions of law :

TCA.No.562 of 2015:

i) Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that disallowance made under Section 80IA is to be allowed especially when the assessee has not filed the signed copy of the ITR-V within the due date as stipulated under Section 139 read with Rule 12(3) of the Income Tax Act, 1961?

ii) Whether the Tribunal is right in restoring the matter of charging of interest under Section 234A, 234B and 234C back to AO with a direction to recompute the same as per judgment of the Supreme Court in the case of Pranoy Roy and another reported in 309 ITR page 231 which dealt with assessment year 95-96 after which 234A was amended by Finance Act, 2006 and hence not applicable to the facts of the present case which dealt with assessment year 2009-10?

TCA.No.563 of 2015:

Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that disallowance of interest made under Section 14 read with Rule 8D of the Income Tax Rules not proper?"

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(CCC)

//True Copy//
Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
Chennai A Bench.

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

3.The Joint Commissioner of Income Tax(OSA)
Company Circle-1 (1), Chennai.

+1cc to Mr.T.Ravi Kumar, Advocate SR.73347
+1cc to Mr.S.Sridhar, Advocate SR.74514

TCA.Nos.562 and 563 of 2015

RSV(CO)
CB(15/11/2019)