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.7 of 2015

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

Vs

M/s.Vira Properties (Madras) Pvt.Ltd.,
New No.158, Old No.781, Anna Salai,
Chennai - 600 002. ...Respondent/ Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 17.06.2014 made in ITA.No.735/MDS/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench for the assessment year 2010-11 against the order of the Commissioner of Income Tax Appeals III, chennai 34 dated 05.11.2013 made in ITA.NO.1694/2013-2014 Against the order of the Assistant Commissioner of Income Tax, Company Circle (III) 4, Chennai made in GIR / PAN NO.451 V/AABCV 5241 Q dated 28.01.2013 the Assessment Year 2010-2011.

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 17.06.2014 made in ITA.No.735/MDS/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench for the assessment year 2010-11.

3.The appeal was admitted on 10.02.2015 on the following substantial question of law :

> "Whether in the facts and circumstances of the case, the Appellate Tribunal was right in holding that the income from letting out of building and maintenance receipts are assessable as business income?"

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)

//True Copy//

Sub Assistant Registrar

cse
To
1.THE INCOME TAX APPELLATE TRIBUNAL, CHENNAI 'D' BENCH.
2.THE COMMISSIONER OF INCOME TAX APPEALS III, CHENNAI 34
3.THE ASSISTANT COMMISSIONER OF INCOME TAX, COMPANY CIRCLE (III) 4, CHENNAI 34

+1cc to M/s.Subbaraya Aiyar Padmanabhan,Advocate SR.No. 73631
+1cc to Mr.M.Swaminathan , Advocate SR.No. 73559

TCA.No.7 of 2015

A.SK(20/11/2019)