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.71 to 76 of 2015

The Commissioner of Income Tax,
Chennai. ...Appellant in all Appeals

Vs

M/s.S&S Foundations P. Ltd.,
Old No.19, New No.45
Giriappa Road, T.Nagar,
Chennai - 600 017. ...Respondent in all Appeals

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 23.04.2010 made in ITA.Nos.1761 to 1766/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench,

against the order of the Commissioner of Income Tax (Appeals-I)46, Chennai-600 034 ITA No.85 to 89/08-09 and ITA NO.90/08-09 dated 05/08/2019 against the Assessment orders of the Assistant Commissioner of Income Tax, Central Circle I(5) 46 M.G.Road, Chennai-600 034 for PAN No.AABC531035 for the Assessment Year 2005-06, 2004-2005, 2003-04, 2002-03, 2001-2002, 2000-01, PAN AADCS3103J respectively.

For Appellant : Mr.T.R.Senthilkumar, SSC assisted by
Ms.K.G.Usharani, SC

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.R.Senthilkumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, 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 23.04.2010 made in ITA.Nos.1761 to 1766/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2000-01 to 2005-06.

3.The appeals were admitted on 15.04.2015 on the following substantial questions of law :

> "i.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the penalty proceeding levied under Section 271(1)(c) of the Income Tax Act? and
>
> ii.Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that no penalty proceedings were to be initiated in spite of the fact that K.Sundar Raj, the Director had admitted undisclosed income at the time of search?"

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 III)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax,
Chennai.

3.The Assistant Commissioner of Income Tax Central Circle,
I(5), (Additional Charge) Chennai.

4.The Commissioner of Income Tax (Appeals)-I,
Chennai-34.

+1cc to Mr.S.Sridhar, Advocate Sr.74510
+1cc to M/s.T.R.Senthilkumar, Advocate Sr.73614

TCA.Nos.71 to 76 of 2015

ad[co]
srg 23/10/2019