IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case Appeal No.307 of 2013

Commissioner of Income Tax-IV,
121, M.G.Road,
Chennai-600 034. ... Appellant/Appellant

-vs-

M/s.Mamallan Educational Trust,
No.29, Ganapathy Street,
Royapettah, Chennai-600 014.
PAN: AABTM1887E ... Respondent/Respondent

Appeal under Section 260A of the Income-tax Act, 1961, against the order dated 14.12.2012, on the file of the Income-tax Appellate Tribunal 'B' Bench, Chennai, in I.T.A.No.1807/Mds/2012 for the assessment year 2006-07,

against the order dated 17/7/2012 made in ITA No.248/08-09 on the file of the Commissioner of Income Tax (Appeals)-I, Chennai, and

against the order dated 30/12/2008 passed u/s 153C r/w Sec 153A r/w Sec 143 (3) on the file of the Deputy Commissioner of Income Tax Central Circle-I(3), Chennai for the Assessment Year 2006-2007.

For Appellant : Mr.T.R.Senthil Kumar,
Senior Standing Counsel

: assisted by Ms.K.G.Usharani,
Junior Standing Counsel

For Respondent : Mr.R.Natarajan

JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

This appeal filed by the appellant/Revenue under Section 260A of the Income-tax Act, 1961, is directed against the order dated 14.12.2012, passed by the Income-tax Appellate Tribunal 'B' Bench, Chennai, in I.T.A.No.1807/Mds/2012 for the assessment year 2006-07.

2.The above appeal was admitted, on 26.07.2013, 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 holding that advances made to associates concerns M/s.Jeppiaar Educational Trust, Holy satellite Town limited, Jet associates, & M/s.Sivaraja Ramalinga Trust is not hit by Section 13(10)(c) read with Section 13(3)?
>
> (ii) Whether on the facts and in the circumstances of the case the Appellate Tribunal was right in holding that M/s.Sivaraja Ramalinga Trust is not a concern mentioned in clause (e) of sub section (3) of Section 13 of the Income Tax Act, 1961?"

3.Heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, learned Junior Standing Counsel for the appellant and Mr.R.Natarajan, learned counsel for the respondent.

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 08.08.2019 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 questions of law framed are 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 VI)

//True Copy//

Sub Assistant Registrar

To

1.Deputy Commissioner of Income Tax,
Central Circle-I(3), Chennai.

2.The Commissioner of Income Tax (Appeals)-I,
46, Mahatma Gandhi Road, Nungambakkam, Chennai-600 034.

3.The Income-tax Appellate Tribunal 'B' Bench, Chennai.

+1cc to M/s.T.R.Senthilkumar, Advocate Sr.72313

T.C.A.No.307 of 2013

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srg 31/10/2019