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.790 TO 793 OF 2015

Commissioner of Income Tax,
Madurai. ...Appellant

Vs

The Metal Powder Company Limited,
Maravankulam,
Thirumangalam - 625 706.
PAN: AAACT4262E ...Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 21.02.2013 made in ITA.Nos.869, 870, 871 and 872/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2002-03, 2003-04, 2005-06 and 2006-07. against the Order dated 31.01.2012 made in ITA.Nos.0236/07-08 for Assessment Year 2002-03, ITA.No.022/09-10, for the Assessment Year 2003-04, ITA.No.168/07-08 for the Assessement Year 2005-06 and ITA.No.092/07-08 for the Assessment Year 2006-07 on the file of the Commissioner of Income Tax (Appeals)-1, Madurai against the order dated 16.03.2006 for the Assessment year 2003-04 on the file of the Joint Commissioner of Income Tax Company Circle I, Madurai, against the order dated 28.12.2007 for the Assessment Year 2005-2006 on the file of the Joint Commissioner of Income Tax Range I, Madurai against the order dated 31.12.2007 for the Assessment year 2001-02 on the file of the Assistant Commissioner of Income-Tax Company Circle-I, Madurai against the order passed dated 30.12.2008 for the Assessment year 2006-07 on the file of the Additional Commissioner of Income Tax Range-I, Madurai respectively.

For Appellant : Mr.M.Swaminathan, SSC assisted by Ms.V.Pushpa, SSC

For Respondent: No appearance

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

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel assisted by Ms.V.Pushpa, learned Senior Standing Counsel appearing for the appellant - Revenue.

2.These appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961, are directed against the common order dated 21.02.2013 made in ITA.Nos.869, 870, 871 and 872/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2002-03, 2003-04, 2005-06 and 2006-07.

3.The appeals were admitted on 04.11.2015 on the following substantial questions of law :

> "1) Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that each undertaking had to be considered separately for working out deduction under Section 80IA of the Income Tax Act?
>
> 2) Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that profits and gains earned by one priority industry cannot be reduced by the loss suffered by any other industry or industries owned by the assessee for the purpose of claiming deduction under Section 80IA?"

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(JJ Act)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Commissioner of Income Tax,
   Madurai.

3. The Commissioner of Income Tax(Appeals)-I,
   Madurai.

4. The Joint Commissioner of Income Tax Company Circle-I,
   Madurai.

5. The Joint Commissioner of Income Tax Range-I,
   Madurai.

6. The Assistant Commissioner of Income Tax,
   Company Circle-I, Madurai.

7. The Additional Commissioner of Income Tax,
   Madurai.

+1cc to Mr.M.Swaminathan, Advocate, S.R.No.73573
+1cc to Mr.S.Sridhar, Advocate, S.R.No.74516

TCA.Nos.790 to 793 of 2015

SSI(CO)
CS/10/02/2020