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.682 of 2013

Commissioner of Income Tax,
Madurai. .. Appellant/Appellant

-vs-

Shri R.Bharagthwaj,
Prop., of M/s.M.R.Sons,
39, Harvey Nagar II Street,
Madurai-16.
PAN: ACIPB6349K .. Respondent/Respondent

Appeal under Section 260A of the Income-tax Act, 1961, against the order dated 09.05.2013, on the file of the Income-tax Appellate Tribunal 'D' Bench, Chennai, in I.T.A.No.576/Mds/2012 for the assessment year 2008-09 as against the Order of the Commissioner of Income Tax (Appeals)-II (i/c) Madurai, dated 23.12.2011 and made in ITA No.45/2010-11 for the Assessment Year 2008-09 against the Order of the Assistant Commissioner of Income Tax, Company Circle-II, Madurai, dated 02.12.2010 and made in PAN No.ACIPB 6349K for the Assessment Year 2008-09.

For Appellant: Mr.M.Swaminathan,
Senior Standing Counsel
for Ms.V.Pushpa
Junior Standing Counsel

For Respondent:Mr.R.Sivaraman

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 09.05.2013, passed by the Income-tax Appellate Tribunal 'D' Bench, Chennai, in I.T.A.No.576/Mds/2012 for the assessment year 2008-09.

2.The above appeal was admitted, on 29.10.2013, 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 addition of Rs.2,10,40,000/- when the assessee himself has admitted on oath to offer the same for the assessment year 2008-09.
>
> (ii) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in coming to conclusion that the assessee in his Sworn Statement dated 05.11.2009 that the amount received by the assessee from Shri Seetharaman through Shri T.Ramanujam had already been offered in the Return of Income and also requested for set off."

3.Heard Ms.V.Pushpa, learned Junior Standing Counsel for Mr.M.Swaminathan, learned Senior Standing Counsel for the appellant and Mr.R.Sivaraman, 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.

abr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Income-tax Appellate Tribunal 'D' Bench, Chennai.

2.The Commissioner of Income tax (Appeals),(i/c)
Madurai.

3.The Assistant Commissioner of Income tax,
Company Circle-II, Madurai.

4. The Commissioner of Income Tax,
Madurai.

+1cc to Mr.M.Swaminathan, Advocate, SR.No.72342

Kak(19/11/2019)