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.785 of 2013

Commissioner of Income Tax Chennai I,
121, Nungambakkam High Road,
Chennai-600 034. .. Appellant/Respondent

-vs-

M/s.Concorde Agencies,
Old No.3, New No.7,
8th Street, Dr.Radhakrishna Salai,
Chennai-600 004.
PAN: AAA FC 0578 P .. Respondent/Appellant

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 'C' Bench, Chennai, in I.T.A.No.214/Mds/2013 for the assessment year 2001-02 against the order of the Commissiner of Income Tax, (Appeals XII 121, Mahatma Gandhi Road, Nungambakkam, Chennai-600034 dated 15/11/12 in ITA No.9/2009-10 GI No./PA No.AAAFC0578P for the Assessment year 2001-02 and against the orer of the Assistant Commissioner of Income Tax, Circle XV, No.121, Mahatma Gandhi Road, Nungambakkam, Chennai-600 034 PAN AAAF0578P dated 03/04/2009.

For Appellant : Ms.V.Pushpa,
Junior Standing Counsel

: for Mr.M.Swaminathan,
Senior Standing Counsel

For Respondent : No appearance

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 'C' Bench, Chennai, in I.T.A.No.214/Mds/2013 for the assessment year 2001-02.

2.The above appeal was admitted, on 03.04.2014, on the following substantial questions of law:-

> "(i) Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that proceedings under Section 154 cannot be invoked to re-compute the deduction under Section 80HHC as per the retrospective amendment made in proviso 3 and 4 of Section 80HHC of the Act?
>
> (ii) Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the deduction under Section 80HHC on the sale proceeds in respect of DEPB is a debatable issue and not amenable to a rectificatory proceedings?"

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

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(Insp.cell)

//True copy//

Sub Assistant Registrar

abr

To

1.The Assistant Commissioner of Income tax,
Circle XV, Chennai.

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

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

+1cc to Mr.M.Swaminathan, Advocate SR.No.72343

T.C.A.No.785 of 2013

AD(CO)
GMY(17/10/2019)