In the High Court of Judicature at Madras

Dated : 21.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.811 of 2013

The Commissioner of Income
Tax, Chennai ...Appellant

Vs

M/s.Sridevi Karumari Amman
Construction, Chennai-118. ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 31.7.2013 made in ITA.No.873/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2009-10,

Appeal against the Order dated 20/12/2012 made in ITA No.575/2011-12 on the file of the Commissioner of Income Tax, (Appeals)-IV, Nungambakkam, Chennai-34 for the Assessment Year 2009-10,

Appeal against the order dated 23/12/2011 made in PAN ABAFS2049G on the file of the Assistant Commissioner of Income Tax, Business Circle-XII, Chennai 600 006 for the Assessment Year 2009-2010.

For Appellant: Mr.T.Ravikumar, SSC

For Respondent: Mr.Meenakshisundaram

JUDGMENT

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.Ravikumar, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.Meenakshisundaram, learned counsel appearing for the respondent - assessee.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 31.7.2013 made in ITA.No. 873/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2009-10.

3. The appeal was admitted on 28.1.2014 on the following substantial question of law :

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the provisions of Section 40a(ia), as amended by the Finance Act, 2010, to exclude the disallowance of the expense amounts, where the TDS amounts were paid over to the Government prior to the due date for filing return as per Section 139(1), is retrospective in nature and is applicable to earlier assessment years ?"

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 08.8.2019 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 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 question of law framed is 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 VIII)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax,
(Appeals)-IV, Nungambakkam, Chennai-34.

3.The Assistant Commissioner of Income Tax,
Business Circle-XII, Chennai-600 006.

+1cc to Mr.T.Ravikumar, Advocate Sr.71096

TCA.No.811 of 2013

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srg 15/11/2019