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 Nos.855 and 856 of 2013

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

Vs

Smt.Kanchana Bharat (a)
V.S.Lakshmi ...Respondent/Appellant

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 09.5.2013 made in ITA.Nos.337 & 338/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench respectively for the assessment years 2007-08 and 2008-09 against the order of the Commissioner of Income Tax (Appeals)I, Madurai dated 26.12.2011 in I.T.A. 0099 & 0100/2010-2011 for the assessment year 2007-2008 and 2008-2009 against the order of the Assistant commissioner of Income Tax, Circle I, Madurai dated 27.12.2010 in PAN No. AFWPK2354 for the assessment year 2007-2008 and 2008-2009.

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

For Respondent:Mr.R.Sivaraman

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 Standing Counsel appearing for the appellant – Revenue and Mr.R.Sivaraman, learned counsel appearing for the respondent – assessee.

2. These appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961, are directed against the common order dated 09.5.2013 made in ITA.Nos.337 & 338/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'D' Bench respectively for the assessment years 2007-08 and 2008-09.

3. The appeals were admitted on 14.2.2014 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 deleting the additions of Rs.92,00,000/- for the assessment year 2007-08 and Rs.10,00,000/- for the assessment year 2008-09 when the assessee's husband himself has admitted on oath to offer the same for the assessment year 2007-08 and 2008-09? and
>
> ii. Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in coming to the conclusion that the additions made by the Assessing Officer in the assessee's hand will not partake the character of an income defined under Section 2(24) of deemed income under Sections 68, 69, 69A or 69B of the Act?"

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.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

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

2.The Commissioner of Income Tax (Appeals)I
Madurai

3.The Assistant Commissioner of Income Tax
Circle I, Madurai

+1 CC to Mr.M.Swaminathan, Advocate sr 72332

TCA.Nos.855 & 856 of 2013

SSD(CO)
SP(21/11/2019)