In the High Court of Judicature at Madras

Dated : 30.8.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.12 & 13 of 2016

The Commissioner of Income Tax,
Coimbatore ...Appellant (Both case)

Vs

M/s.S.R.S.Fabrics,
Coimbatore-1. ...Respondent (Both case)

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 22.5.2015 made in ITA.Nos.1973 and 2259/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2010-11.

against the order of the Commissioner of Income Tax (Appeals) - I, Coimbatore in ITA.No. 16/13-14 dated 27/06/2014 against the order of Assessment order made under section 143 (3) for the assessment year 2010-11 dated 18/03/2013.

For Appellant: Mr.T.R.Senthilkumar, SSC assisted by
Ms.K.G.Usharani, SC (Both case)

Respondent : served and no appearance (Both case)

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

We have heard Mr.T.R.Senthilkumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, learned 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 22.5.2015 made in ITA.Nos.1973 and 2259/Mds/2014 on the

file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2010-11.

3. The appeals were admitted on 20.1.2016 on the following substantial question of law :

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in remanding the case to the Assessing Officer to verify that Section 40(a)(ia) is applicable only on those amounts 'payable' and not those amounts 'paid' during the year without deducting tax at source ?"

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 question of law framed is 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.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

RS

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax (Appeals) -I,
Coimbatore.

+1cc to MrT.R.Senthil Kumar, Advocate, S.R.No. 75712

TCA.Nos.12 & 13 of 2016

RK(CO)
GN(13/11/2019)