In the High Court of Judicature at Madras

Dated :28.08.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.123 to 128 of 2018

Principal Commissioner of Income Tax 2,
No.108, Mahatma Gandhi Road,
Chennai - 600 034. ...Appellant/Appellant

Vs

Shri.A.N.Radhakrishnan ...Respondent/Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 05.08.2016 made in ITA.Nos.684, 650, 685, 686, 1076 and 1077/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2004-05, 2003-04, 2005-06, 2007-08, 2004-05 and 2005-06 and against the order of the Commissioner of Income Tax (Appeals)II Chennai 34 dated 08.02.2013 made in I.T.A. Nos. 73/2011-2012 Assessment year 2007–2008, 71/2011-2012 Assessment year 2005-2006, 70/2011-2012, Assessment year 2004-2005 and dated 30.01.2013 made in I.T.A. 69/2011-2012 Assessment year 2003-2004 and against the order of the Assistant Commissioner of Income Tax, Central Circle II(1) Chennai dated 27.06.2011 made in PAN.AACPR5498M/2007-2008, PAN.AACPR5498M/2004-2005 and PAN.AACPR5498M/2003-2004 and dated 22.06.2011 made in PAN.AACPR5498M/2005-2006 and against the order of the Deputy Commissioner of Income Tax, Central Circle II(1) chennai 34 dated 31.12.2010 made in AACPR5498M, Assessment year 2007-2008, AACPR5498M, Assessment year 2005-2006, AACPR5498M, Assessment year 2004-2005 and AACPR5498M Assessment year 2003-2004.

For Appellant : Mr.T.R.Senthilkumar, SSC assisted by Ms.K.G.Usharani

For Respondent: Mr.A.S.Sriraman for Mr.S.Sridhar

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 Counsel appearing for the appellant – Revenue and Mr.A.S.Sriraman, learned counsel for Mr.S.Sridhar, 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 05.08.2016 made in ITA.Nos.684, 650, 685, 686, 1076 and 1077/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2004-05, 2003-04, 2005-06, 2007-08, 2004-05 and 2005-06.

3.The appeals were admitted on 03.04.2018 on the following substantial questions of law :

> "i.Whether the Appellate Tribunal erred in law in setting aside the penalty levied under Section 271(1)(c) of the Income Tax Act, 1961, when the disclosure had been made at the time of assessment?
>
> ii.Whether the deletion of penalty by the Tribunal is vitiated by perversity?
>
> iii.What is the true meaning scope and purport of the expression "specified previous year" in sub-section (1) of Section 271AAA of the Income Tax Act, 1961?"

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-I)

True Copy

Sub-Assistant Registrar

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

2.The Principal Commissioner of Income Tax-2
Chennai 34.

3.The Commissioner of Income Tax (Appeals)II, Chennai 34.

4.The Assistant Commissioner of Income Tax, Central Circle II(1)
Chennai

5.The Deputy Commissioner of Income Tax
Central Circle II(1) Chennai 34.

+1 CC to Mr.S.Sridhar, Advocate sr 74504
+1 CC to Mr.T.R.Senthilkumar, Advocate sr 74182.

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BR(CO)
SP(07/11/2019)