IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Tax Case Appeal No. 190 of 2016

Commissioner of Income Tax -4
121, Mahatma Gandhi Road,
Chennai. ... Appellant/Appellant

Vs.

Mr. R. Suresh Kumar ... Respondent/Respondent

Tax Case Appeal filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'B' Bench, Chennai, dated 19.08.2015 made in ITA No. 1920/Mds/2014, against the order passed by the Income Tax Officer, Business ward V(B), Chennai dated 3/3/2014 in ITA No.74/12-13(1)-V, for the assessment year 2010-11, against the order passed by the Commissioner of Income Tax Appeals -V(i/c) chennai, dated 3/3/14 ITA No.74/12-13(A)-V for the assessment year 2010-11 against the order passed by the Income Tax Officer Business Ward V(3)(i/c) Chennai-34, dated 5/2/13 in PAN No.AAWPS019A, for the assessmen year 2010-11.

For Appellant : Mrs. Karthik Renganathan
Sr. Standing Counsel

For Respondent :

J U D G M E N T

(Delivered by DR.VINEET KOTHARI, J.)

This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, by raising the following substantial question of law:

"Whether on the facts and circumstances of the case and in law, the Income Tax Appellate Tribunal was correct and justified in not appreciating that as per the provisions of Section 50C, it is obligatory on the part of the Assessing Officer to treat the value adopted by the Stamp Valuation Authority as the deemed sale consideration, when the assessee neither disputed the value adopted by the Stamp Valuation Authorities in any appeal nor requested the Assessing Officer to refer the valuation of the capital asset to the Valuation Officer?".

2. When the matter is taken up for admission, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.3/2018 dated 11.7.2018 wherein it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.50 lakhs.

3. In the instant case, the tax effect is said to be less than the monetary limit imposed and therefore, the appeal filed by the Revenue is dismissed as not pressed, keeping open the substantial question of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vsg

To

1. The Commissioner of Income Tax 4
121, Mahatma Gandhi Road, Chennai.

2. The Income Tax Officer, Business Ward V(3), Chennai.

3. The Commissioner of Income Tax Appeals-V(i/c)

4. The Income Tax Appellate Tribunal, Madras 'B'Bench, Chennai.

Tax Case Appeal No. 190 of 2016

SSI(CO)
GMY(13/03/2019)