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.359 to 365 of 2016

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

Vs

M/s.Simpson & General Finance Co. Ltd., Chennai-2. ...Respondent/Appellant

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 18.3.2015 made in ITA.Nos.2655 to 2661/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench respectively for the assessment years from 2002-03 to 2008-09 against the order of the commissioner of Income Tax (Appeals)-VI, Chennai-34 made in ITA.Nos.1589/13-14/A-VI, 1590/13-14/A-VI, 1591/13-14/A-VI, 1592/13-14/A-VI, 1593/13-14/A-VI, 1594/13-14/A-VI and 1595/13-14/A-VI order dated 30.09.2014 for the Assessment years 2002-03 to 2008-09 respectively and preferred against the order of the Assistant Commissioner of Income Tax, Company Circle VI(3), Chennai made in AABCS 1868A/Com.Cir-VI(3)/2013-2014 order dated 31.07.2013 for the Assessment years 2002-2003 to 2008-2009.

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

For Respondent:Mr.R.Venkatanarayanan for M/s.Subbaraya Aiyer Padmanabhan

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, Standing Counsel appearing for the appellant - Revenue and Mr.R.Venkatanarayanan, 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 18.3.2015 made in ITA.Nos.2655 to 2661/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench respectively for the assessment years from 2002-03 to 2008-09.

3. The appeals were admitted on 12.7.2016 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 penalty levied under Section 271(1)(c) is not sustainable?"

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. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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

2.The Commissioner of Income Tax
(Appeals)-VI Chennai-34

3.The Assistant Commissioner of Income Tax
Company Circle VI (3) Chennai

+1 cc to M/s.Subbaraya Aiyar Padmanabhan Advocate sr75933
+1 cc to M/s.T.R.senthil kumar Advocate sr75711

aa19/11/2019