IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.1.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

TAX CASE APPEAL NOS.604 & 605 OF 2016 & CMP.NO.12366 OF 2016

Principal Commissioner of Income Tax-2, Coimbatore ...Appellant

Vs

Shri K.Karuppasamy ...Respondent

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 18.12.2015 in ITA Nos.2717 and 2718/Mds/2014, on the file of the Income Tax Appellate Tribunal Madras 'A' Bench respectively for the assessment years 2009-10 and 2010-11. against the order of the Commissioner of Income Tax (Appeals)-II, Coimbatore dated 26.09.2014 and made in ITA.No.131A/2013-14 and 131/2013-14 for the Assessment Year 2009-10 and 2010-2011 respectively and against the order of the Income Tax Office, Ward - I (6) Tirupur dated 30.03.2013 and made in PA.No./G.I.R.NO.ACQPK0451Q for the Assessment Year 2009-10 and 2010-11 respectively.

For Appellant : Mr.T.R.Senthilkumar, SSC & Ms.K.G.Usharani, JSC

For Respondent : Mr.S.Sridhar

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

Heard the learned Standing Counsel for the appellant.

2. These appeals by the Revenue challenge the common order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee. The appeals were admitted on 29.8.2016 on the following substantial questions of law :

> "i. Whether, on the facts and in the circumstances of the case and in law, the Appellate Tribunal was right in allowing the

appeals of the assessee relying on an unregistered sale agreement, when a registered sale deed and guideline value on the same property, which was adopted by the Registering Authority and the Assessing Officer ? And

ii. Whether, on the facts and in the circumstances of the case and in law, the Appellate Tribunal was right in not following the value as in the certified copy of the sale deed, which was directed to be obtained by the Department from the Sub-Registrar Office? ”

3. The Revenue seeks to withdraw these appeals on account of low tax effect in terms of Circular No.3 of 2018 dated 11.7.2018 issued by the Central Board of Direct Taxes.

4. In the light of the above, these appeals are dismissed as withdrawn and the substantial questions of law framed are left open. In the event, in any of the cases, the tax effect is above the threshold limit fixed in the said circular under exceptional clauses mentioned in the 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. Consequently, the connected CMP is also dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rs
To

1. The Income Tax Appellate Tribunal, Madras 'A' Bench.
2. Principal Commissioner of Income Tax-2, Coimbatore.
3. The Commissioner of Income Tax (Appeal)-II, Coimbatore.
4. The Income Tax Office, Ward - I (6), Tirupur.

+1cc to Mr.S.Sridhar, Advocate, S.R.No.361
+1cc to Mr.T.R.Senthilkumar, Advocate, S.R.No.210

TCA.Nos.604 & 605 of 2016
and CMP.No.12366 of 2016

SV(CO)
CS/11/02/2019