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 No.54 of 2018

Commissioner of Income Tax,
Corporate Circle-I, Madurai. ...Appellant/Appellant

Vs

M/s.Aruna Alloy Steels Private Limited,
Super B-3, Industrial Estate,
K.Pudur, Madurai - 625 007.
PAN: AAECA6781D ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 20.04.2017 made in ITA.No.3/MDS/2016 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2006-2007, against the order of the Commissioner of Income Tax(Appeals)1 madurai dated 30/10/15 and made in ITA.NO.79/2010-11 & 22/2012-13 and against the order of the Assistant Commissioner of Income Tax Company Circle-V Madurai, dated 30/12/10 made in PAN AAECA6781D for the Assessment year 2006-2007.

For Appellant : Mr.M.Swaminathan, SSC
and Ms.V.Pushpa, SC

For Respondent: No appearance

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

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel, and Ms.V.Pushpa, learned Standing Counsel appearing for the appellant/revenue.

2.This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 20.04.2017 made in ITA.No.3/MDS/2016 on the file of the Income

Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2006-2007.

3.The appeal was admitted on 03.04.2018 on the following substantial question of law :

> “Whether the finding that the Assessing Officer had not independently applied his mind and only followed the directions of the JCIT is vitiated by perversity?"

4.The learned Senior Standing Counsel for the appellant submits that the above appeal is 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 this case is less than the threshold limit.

5.In the light of the said submissions, the above tax case appeal is dismissed on account of the low tax effect. The substantial question of law framed is left open. In the event the tax effect 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 appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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

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

3.The Assistant Commissioner of Income Tax,
Company Circle-II,
Madurai.

+1cc to Mr.M.Swaminathan, Advocate SR.NO.74851

TCA.No.54 of 2018

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