IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.12.2019
CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
T.C.A.Nos.746 to 748 of 2018
and
C.M.P.Nos.17026 & 17027 of 2018

Principal Commissioner of Income Tax 2
No.63, Race Course Road,
Coimbatore. ... Appellant/ Respondent
(in all the appeals)

Vs

Shri.A.Ramalingam,
L/H Shri.R.Ravanan,
279, 279/1, Sathy Main Road,
Erode – 638 003.

PAN: AGGPR 7344 N ... Respondent/ Appellant
in TCA.Nos.746 & 748 of 2019

Shri R.Ravanan,
279/2, Sathy Road,
Erode – 638 003.

PAN: AGGPR 6530 G
... Respondent in TCA.No.747 of 2019/ Appellant

PRAYER in TCA.746 of 2019 : Appeal under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras “A” Bench, dated 27.09.2017 passed in ITA.Nos.216/Mds/2013 against the order passed by the Commissioner of Income Tax Appeals I,Coimbatore dated 09.11.2012 made in Appeal No.320/11-12 and against the order passed by the Income Tax Officer,Ward I(1), Erode dated 29.12.2011 made in PAN: AGGPR 7344 N for the Assessment Year 2006-2007.

PRAYER in TCA.747 of 2019 : Appeal under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras “A” Bench, dated 27.09.2017 passed in ITA.Nos.591/Mds/2016 against the order passed by the Commissioner of Income Tax (Appeals)18,Chennai 34 dated 22.12.2015 made in ITA.NO.518/14-15 against the order passed by the Deputy Commisioner of Income Tax Central circle I,Coimbatore dated 28.03.2014 made in PAN: AGGPR 6530 G for the Assessment Year 2011-2012.

PRAYER in TCA.748 of 2019 : Appeal under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "A" Bench, dated 27.09.2017 passed in ITA.Nos.1315/Mds/2016 against the order passed by the Commissioner of Income Tax Appeals I,Coimbatore dated 23.02.2016 made in ITA No.519/14-15 and against the order passed by the Deputy Commisioner of Income Tax, Cental Circle -I, Coimbatore dated 28.03.2014 made in PAN: AGGPR 7344 N for the Assessment Year 2006-2007.

For Appellant :Mr.T.R.Senthil Kumar (in all the appeals)
Senior standing counsel

For Respondent :Mr.A.S.Sriraman (in all the appeals)

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

T.C.A.No.746 of 2018 has been preferred by the Revenue against the order dated 27.09.2017 passed in ITA.Nos.216/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2006-07.

2.T.C.A.No.747 of 2018 has been preferred by the Revenue against the order dated 27.09.2017 passed in ITA.Nos.591/Mds/2016 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2011-12.

3.T.C.A.No.748 of 2018 has been preferred by the Revenue against the order dated 27.09.2017 passed in ITA.Nos.1315/Mds/2016 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2006-07.

4.The impugned orders were filed by the Assessee before the Income Tax Appellate Tribunal. The Tribunal has confirmed the order of the lower authority by allowing I.T.A.Nos.216/Mds/2013 & 1315/Mds/2016 and partly allowing I.T.A.No.591/Mds/2016.

5.T.C.A.Nos.746 & 748 of 2018 is admitted on the following substantial question of law :

"Whether the ITAT was right in holding that the addition of Rs.2.38 Crores was made on the basis of presumption and surmise brushing aside the concrete evidence in the form of stamp receipt on the impugned transaction of sale of land?"

6.T.C.A.No.747 of 2018 is admitted on the following substantial question of law :

"Whether the Tribunal was right in holding that the oral statement said to be recorded from the assessee or from sisters of the assessee cannot override the statement contained in the registered release deed and affidavit ignoring the terms of assessee's father last WILL to distribute the properties among the children ?"

7.Mr.T.R.Senthil Kumar, learned Senior Standing Counsel appearing on behalf of the appellant would submit that the tax effect in these cases are less than Rs.1 crore and is covered by Circular No.17/2019 dated 08.08.2019 issued by the Director, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, Delhi. As per the said circular, the monetary limit to file an appeal before the High Court is fixed at Rs.1 crore. In these cases, tax effect is less than Rs.1 crore and therefore, these cases have to be dismissed.

8.This Court perused the circular dated 08.08.2019 and Paragraph No.2 of the said Circular, which prescribes monetary limit for filing appeal is usefully extracted as follows:

> 2.As a step towards further management of litigation, it has been decided by the Board that monetary limits for filing of appeals in income-tax cases be enhanced further through amendment in Para 3 of the Circular mentioned above and accordingly, the table for monetary limits specified in Para 3 of the Circular shall read as follows:

S.No.	Appeals / SLPs in Income-tax matters	Monetary Limit (Rs.)
1.	Before Appeallate Tribunal	50,00,000
2.	Before High Court	1,00,00,000
3.	Before Supreme Court	2,00,00,000

9.In view of the submissions made by the learned counsel appearing on behalf of the appellant and also in view of the Circular No.17/2019 dated 08.08.2019 issued by the Director, Central Board of Direct Taxes, Delhi, these Tax Case Appeals are dismissed on account of tax effect. However, the substantial question of law framed is left open. In the event the tax effect is above the 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To
1.The Principal Commissioner of Income Tax 2
No.63, Race Course Road,
Coimbatore.

2.Income Tax Appellate Tribunal 'A' Bench,
Chennai.

3.The Commissioner of Income Tax Appeals I,Coimbatore

4. The Income Tax Officer,Ward I(1), Erode

5.The Commissioner of Income Tax (Appeals)18,Chennai 34
6.The Deputy Commisioner of Income Tax Officer Central circle I,Coimbatore.

+2ccs to Mr.T.R.Senthil Kumar , Advocate SR.No. 104476,104475
+1cc to Mr.S.Sridhar , Advocate SR.No. 104237

T.C.A.Nos.746 to 748 of 2018

A.SK(21/02/2020)
A.SK(10/03/2020)