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 No.586 of 2014

The Commissioner of Income Tax, Chennai ...Appellant

Vs

M/s.Shree Laxmi Jewellery Ltd., Chennai-17 ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 05.8.2011 in ITA No.1960/Mds/2010 on the file of the Income Tax Appellate Tribunal Madras 'C' Bench for the assessment year 2007-08. against the Order of the commissioner of Income Tax Appeals V, dated 06.09.2010 in ITA.No. 36/10-11 in the assessment Year 2007-2008.

Against the order of the Assistant Commissioner of Income Tax dated 22.04.2010 PANAACL 1289M in the assessment Year 2007-08.

Against the Order of the Assistant Commissioner of Income Tax Company Cricle VI (2) Chennai 34 dated 23.12.09 ITNS65 in the assessment Year 2007-08.

For Appellant : Mr.T.Ravikumar, SSC

For Respondent : Mr.R.Sandeep Bagmar

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Judgment was delivered by T.S.SIVAGNANAM,J

Heard the learned Senior Standing Counsel for the appellant.

2. This appeal by the Revenue challenges the order passed by the Income Tax Appellate Tribunal, which decided the issue in favour of the assessee. The appeal was admitted on 19.11.2014 on

the following substantial question of law :

"i. Whether, on the the facts and circumstances of the case, the Income Tax

Appellate Tribunal was right in deleting the penalty of Rs.13,06,422/- levied under Section 271(1)(c) of the Income Tax Act, 1961 ?"

3. The Revenue seeks to withdraw this appeal 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 In the light of the above, the appeal is dismissed as withdrawn and the substantial question of law framed is left open.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 under exceptional clauses mentioned in the 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(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,
Madras 'C' Bench, Chennai.

2.The Commissioner of Income Tax Appeals V,
Chennai.

3.The Assistant Commissioner of Income Tax,
Chennai.

+1cc to Mr.Senthil Kumar, Advocate, S.R.No. 216
+1cc to Mr.Sandeep Bagmar, Advocate, S.R.No. 27

TCA.No.586 of 2014

MG(CO)
GN(31/01/2019)

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