In the High Court of Judicature at Madras

Dated : 18.01.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

Tax Case Appeal No.31 of 2019

Principal Commissioner of Income
Tax-6, Chennai ...Appellant

Vs

Smt.Rathinam Thirupathiswamy ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 12.6.2018 in ITA.No.3136/Chny/2017 on the file of the Income Tax Appellate Tribunal Chennai 'B' Bench for the assessment year 2014-15.

For Appellant : Mr.T.R.Senthilkumar, SSC

For Respondent : Mr.A.S.Sriraman

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard Mr.T.R.Senthilkumar, learned Senior Standing Counsel for the appellant and Mr.A.S.Sriraman, learned counsel accepting notice for the respondent.

2. This appeal by the Revenue under Section 260A of the Income Tax Act, 1961 (for brevity, the Act) is directed against the order dated 12.6.2018 in ITA.No.3136/Chny/2017 on the file of the Income Tax Appellate Tribunal Chennai 'B' Bench (for short, the Tribunal) for the assessment year 2014-15. The Revenue has filed this appeal by raising the following substantial question of law :

> *"Whether the Appellate Tribunal was justified in law in placing reliance on the CBDT's Circular No.19/2017, which exempts trade advances from the purview of Section 2(22)(e) of the Act, when the assessee had never traded anything with M/s.Samba Publishing Co. Pvt. Ltd.?"*

3. On going through the order passed by the Tribunal, we find that the order is a well reasoned order approving the factual findings recorded by the Commissioner of Income (Appeals) [for short, the CIT(A)]. We find the order passed by the CIT(A) to be a well written order clearly culling out the factual situation, applying the legal position by the various decisions of this Court and arriving at the conclusion that the said Circular namely Circular No.19/ 2017 issued by the Central Board of Direct Taxes dated 12.6.2017 wholly applies to the facts of the case.

4. In this case, the Revenue has not been able to dislodge the findings recorded by the CIT(A) as confirmed by the Tribunal as to how the decisions relied upon will not apply to the facts and circumstances of the case. All the points, which were canvassed by the Revenue before the Tribunal, were thoroughly analyzed and a factual finding has been recorded. We find no good ground to interfere with the order of the Tribunal. We find that no substantial question of law arises for consideration in this appeal.

5. Accordingly, the above tax case appeal is dismissed. No costs.

18.01.2019

Index : Yes

To

The Income Tax Appellate Tribunal, Chennai 'B' Bench.

RS

T.S.SIVAGNANAM,J

AND

N.SATHISH KUMAR,J

RS

TCA.No.31 of 2019

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