IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case Appeal Nos.196 to 199 of 2107

Principal Commissioner of Income Tax 4,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai. .. Appellant in all Appeals

-vs-

M/s.Kayaram Hotel Pvt. Ltd.,
2, Harrington Road, Chennai-600 031.
PAN: AAB CK 8077 D .. Respondent in all Appeals

Appeals under Section 260A of the Income-tax Act, 1961, against the common order dated 01.06.2016, made in I.T.A.Nos.402/Mds/2013, 1095/Mds/2014, 2215/Mds/2015 and 2216/Mds/2016 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment years 2003-04, 2010-11, 2006-07 and 2009-10 respectively,

against the order dated 19/10/2015 made in ITA No.31/11-12 on the file of the Commissioner of Income Tax (Appeals)-8, Chennai for the Assessment Year 2009-2010,

against the order dated 12/2/14 made in ITA No.1605/13-14 on the file of the Commissioner of Income Tax (Appeals)-II, Chennai for the Assessment Year 2010-11, Chennai.,

against the order dated 29/12/2008, 07/10/2009, 05/12/2011 and 31/12/2012 made in PAN GIR No.AABCK8077D on the file of the Assistant Commissioner of Income Tax Company Circle-II(4) Chennai for the Assessment Year 2006-07, 2003-04, 2009-10 and 2010-11 respectively

against the order dated 07/09/2012 made in ITA No.150/09-10 on the file of the Commissioner of Income Tax (Appellate)-II, Coimbatore for the Assessment Year 2003-2004.

For Appellant : Mr.Karthik Ranganathan,
Senior Standing Counsel
: assisted by Mr.S.Rajesh,
Standing Counsel

For Respondent : Mr.A.S.Sriraman for Mr.S.Sridhar

COMMON JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

These appeals filed by the Revenue under Section 260A of the Income-tax Act, 1961 are directed against the common order dated 01.06.2016, made in I.T.A.Nos.402/Mds/2013, 1095/Mds/2014, 2215/Mds/2015 and 2216/Mds/2016 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment years 2003-04, 2010-11, 2006-07 and 2009-10 respectively.

2.The appeals have been filed raising the following substantial questions of law:-

> "(i) Whether on the facts and circumstances of the case and in law, Appellate Tribunal was right in not following the latest decision of the Supreme Court dated 28.09.2015 in assessee's own case reported in [2015] 63 taxamann.com 301 (SC) and following the earlier judgment dated 09.04.2015 in the case of Chennai Properties & Investments Ltd? and
>
> (ii) Whether on the facts and circumstances of the case and in law, Tribunal was right in directing the assessing officer to assess 75% of the rental receipts to be assessed under the head 'Income from House Property' and balance 25% under the head 'Income from Business' when assessee was not engaged in any business activity and such bifurcation made without any rationale?"

3.Heard Mr.Karthik Ranganathan, learned Senior Standing Counsel assisted by Mr.S.Rajesh, learned Standing Counsel for the appellant - and Mr.A.S.Sriraman, learned counsel for Mr.S.Sridhar, learned Counsel for the respondent.

4.The learned Senior Standing Counsel for the appellant submits that the above appeals are not pursued by the Revenue on account of the low tax effect in terms of Circular No.17/2019, dated 08.08.2019 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 appeals are dismissed on account of the low tax effect. The substantial questions of law framed are 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 appeals to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

(abr)

To

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

2.The Commissioner of Income Tax Appeals-8,
Chennai.

3.The Commissioner of Income Tax Appeals-II,
Chennai.

4.The Commissioner of Income Tax (Appeals)-II, Coimbatore.

5.The Assistant Commissioner of Income Tax Company Circle-II(4)
Chennai.

T.C.A.Nos.196 to 199 of 2017

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