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.224 and 225 of 2017
and
C.M.P.No.6616 of 2017

Commissioner of Income Tax,
Chennai. ... Appellant in both Appeals/Appellate

-vs-

Dr.Shapal Shetty,
No.670, 10th Cross West of Chord Road,
Mahalakshmipuram Post,
Bangalore-560 086.
PAN: ALIPS 4414R ... Respondent in both Appeals/Respondent

Appeals under Section 260A of the Income-tax Act, 1961, against the common order dated 04.12.2015, made in I.T.A.Nos.1319 & 1318/Mds/2015 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai for the assessment years 2004-05 and 2003-04 respectively,

against the order dated 16/03/2015 made in ITA No.31 & 49/CIT(A)-PDY.13-14 on the file of the Commissioner of Income Tax (Appeals), Puducherry for the Assessment Year 2003-04, 2004-05 and against the order dated 22/12/2006 made in PA No/GI.No.ALIPS4414R/827-S on the file of the Additional Commissioner of Income Tax Pondicherry Range I, Pondicherry for the Assessment Year 2004-2005 and against the order dated 28/12/2007 made in PA No/G.I.No.ALIPS4414R/S-827 on the file of the Assistant Commissioner of Income Tax Circle I, Puducherry for the Assessment Year 2003-04.

For Appellant (In both Appeals)	:	Mr.T.R.Senthil Kumar, Senior Standing Counsel
	:	assisted by Ms.K.G.Usharani, Standing Counsel
For Respondent (In both Appeals)	:	Mr.T.Vasudevan

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 04.12.2015, made in I.T.A.Nos.1319 & 1318/Mds/2015 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai for the assessment years 2004-05 and 2003-04 respectively.

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

> "Whether on the facts and in the circumstances of the case and on grounds raised herein the tribunal was right in holding that addition on account of suppression of stock cannot be made?"

3.Heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, learned Standing Counsel for the appellant - and Mr.T.Vasudevan, 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 these cases 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 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 appeals to be heard and decided on merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

abr

To

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

2.The Commissioner of Income Tax (Appeals),
Puducherry.

3.The Additional Commisisoner of Income Tax,
Puducherry Range, Pondicherry.

4.The Assistant Commissioner of Income Tax Circle I,
Puducherry.

+1cc to Mr.T.R.Senthilkumar, Advocate Sr.75133

T.C.A.Nos.224 and 225 of 2017

sr[co]
srg 08/11/2019