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 No.308 of 2017

Commissioner of Wealth Tax,
Company Circle III, Chennai. .. Appellant/Respondent

-vs-

M/s.Tamilnadu Real Estate Private Limited,
C/o.M/s.S.Venkataram & Co.
Chartered Accountants,
218, TTK Road, Alwarpet,
Chennai-600 018.
PAN: AABCT 5912 E .. Respondent/Appellant

Appeal under Section 260A of the Income-tax Act, 1961, against the order dated 30.11.2016, made in W.T.A.No.23/Mds/2016 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment year 2006-07.

against the order in ITA.No.143/2014-15/CIT (A)-11 dated 19/05/2016, ny the Commissioner of Wealth Tax (Appeals)-11, Chennai and against the Assistant Commissioner ofWealth Tax, Chennai order dated 27/03/2014/2006-2007 in /PANGIR.No.AABCT 5912 E .

For Appellant : Mr.M.Swaminathan,
Senior Standing Counsel
assisted by Ms.V.Pushpa
Standing Counsel

For Respondent : Ms.J.Sree Vidhya

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

This appeal filed by the Revenue under Section 260A of the Income-tax Act, 1961 is directed against the order dated 30.11.2016, made in W.T.A.No.23/Mds/2016 on the file of the

Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment year 2006-07.

2.The appeal has been admitted on 11.08.2017, on the following substantial questions of law:-

> "(i) Whether on the facts and circumstances of the case, in law, Tribunal was right and justified in holding that vacant land at Nungambakkam is not eligible to Wealth Tax Act though it is a taxable asset as per Sec.2(ea)(v) of the said Act? and
>
> (ii) Whether on the facts and circumstances of the case, in law, Tribunal erred in solely relying on a photocopy of a tax receipt to prove the existence of building when the letter of assessee filed before Assessing Officer as well as valuation report prove otherwise and thus the impugned order of the Income tax Appellate Tribunal is unsustainable?"

3.Heard Mr.M.Swaminathan, learned Senior Standing Counsel assisted by Ms.V.Pushpa, learned Standing Counsel for the appellant - and Ms.J.Sree Vidhya, learned counsel for the respondent.

4.The learned Senior Standing Counsel for the appellant submits that the above appeal is 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 appeal is 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 appeal 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 Wealth Tax,
  Company circle -III, Chennai.

3.The Assistant Commissioner of Wealth Tax,
  Company Circle III, Chennai.

+1cc to Mr.Srividhya, Advocate, S.R.No.75148
+1cc to Mr.M.Swaminathan, Advocate, S.R.No. 75043

T.C.A.No.308 of 2017

SJ(CO)
GN(06/11/2019)