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.383 of 2017

Commissioner of Income Tax,
Ward–I, Madurai. .. Appellant

-vs-

M/s.Diamond Shipping Agencies Private Limited,
A-4, Diamond House,
Word Trade Avenue, Harbour Estate,
Tuticorin-628 004.
PAN: AAACD 6487 H .. Respondent

Appeal under Section 260A of the Income-tax Act, 1961, against the order dated 19.02.2016, made in I.T.A.No.2272/Mds/2015 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai for the assessment year 2012-13 against the order dated 29.09.2015 madein ITA No.0065/2015-16 on the file of the Commissioner of Income Tax (Appeals)-I, Madurai for the assessment year 2012-13, against the order dated 31.03.2015 made in PAN AAACO6487H on the file of the Income Tax Officer, Ward I, Tuticorin.

For Appellant : Mr.M.Swaminathan,
Senior Standing Counsel

: assisted by Ms.V.Pushpa
Standing Counsel

For Respondent : Ms.Sree Lakshmi Valli
For Mr.G.Baskar



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 19.02.2016, made in I.T.A.No.2272/Mds/2015 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai for the assessment year 2012-13.

2.The appeal has been filed raising the following substantial question of law:-

> "(i) Whether on the facts and circumstances of the case and in law, Tribunal was right and justified in holding that Container Freight Station constitute an 'inland port' and therefore entitled for deduction u/s 80IA(4)?"

3.Heard Mr.M.Swaminathan, learned Senior Standing Counsel assisted by Ms.V.Pushpa, learned Standing Counsel for the appellant - and Ms.Sree Lakshmi Valli, learned counsel for Mr.G.Baskar, 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 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 appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar(Insp.cell)



//True copy//

Sub Assistant Registrar

abr



To

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

2. The Commissioner of Income Tax (Appeals),I, Madurai.

3. The Income Tax Officer, Ward -I, Tuticorin.

+1cc to Mr.M.Swaminathan, Advocate SR.No.75045

+1cc to Mr.G.Baskar, Advocate SR.No.70578

T.C.A.No.383 of 2017

LN(CO)
GMY(06/11/2019)