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.500 of 2017

The Commissioner of Income tax,
Chennai. .. Appellant/Appellant

-vs-

M/s.Chettinad Housing Constructions,
No.8/2, Kennedy 2nd Street,
Mylapore, Chennai-600 004.
PAN: AAFFC2827A .. Respondent/Respondent

Appeal under Section 260A of the Income-tax Act, 1961, against the order dated 25.01.2017, made in I.T.A.No.2202/Mds/2016 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment year 2012-13 against the order of the Commissioner of Income Tax (Appeals)2, Chennai dated 30.03.2016 in I.T.A.No.227/CIT(A)-2/2014-2015 and against the order of the Income Tax Officer, Non Corporate Ward 1(5) Chennai 34.

For Appellant : Mr.T.Ravi Kumar
Senior Standing Counsel &
: Ms.R.Hemalatha
Senior Standing Counsel

For Respondent : Mr.M.P.Senthil Kumar,
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 25.01.2017, made in I.T.A.No.2202/Mds/2016 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai for the assessment year 2012-13.

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

"(i) Whether on the facts and in the circumstances of the case, the Tribunal was right in granting relief to the Assessee u/s.80IB (10) when a portion of the approved project remains to be completed and therefore the deduction is not available as it is not a completed project? and

(ii) Is not the finding of the Tribunal bad especially when Section 80IB deduction are available only on completed projects which is not the case on hand since a portion of the approved project remains to be completed?"

3.Heard Mr.T.Ravi Kumar and Ms.R.Hemalatha, learned Senior Standing Counsel for the appellant - and Mr.M.P.Senthil Kumar, 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 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.

-s/d-
Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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

2.The Income Tax officer
Non Corporate Ward 1(5) Chennai 34.

3.The Commissioner of Income Tax (Appeals)@, Chennai 34.

4.The Commissioner of Income Tax, Chennai.

+1 CC to Mr.G.Baskar, Advocate sr 75079.
+1 CC to Mr.T.Ravi Kumar, advocate sr 74361.

T.C.A.No.500 of 2017

KK(CO)
SP(11/11/2019)