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.642 and 643 of 2017
and
C.M.P.No.16312 of 2017

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

-vs-

M/s.Shriram EPC Ltd.,
18/03, Rukmani Lakshmipathy Road,
1st Floor, R.A.Building,
Egmore, Chennai-600 008.
PAN: AAFCS 1410 C .. Respondent in both Appeals

Appeals under Section 260A of the Income-tax Act, 1961, against the common order dated 18.12.2015, made in I.T.A.Nos.2262 & 2263/Mds/2014 on the file of the Income Tax Appellate Tribunal 'D' Bench, Chennai for the assessment years 2007-08 and 2008-09 respectively against the order dated 30/03/2013 made in PAN AAFCS1410C on the fiel of the Deputy Commissioner of Income Tax, Company circle VI(2), Chennai-34 for the Assessment year 2008-09, 2007-08 respectively and against the order dated 31/122010 made in PAN/GIR No.AAFCS1410C on the file of the Assistant Commissioner of Income Tax Company Circle -VI(2) Chennai for the Assessment year 2008-09 and against the order dated 31/12/2010 made in ITANS.65 on the file of the Assistant Commissioner of Income-Tax Company Circle VI(2) Chennai-34 for the Assessment year 2007-08.

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.R.Sivaraman

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 18.12.2015, made in I.T.A.Nos.2262 & 2263/Mds/2014 on the file of the Income Tax Appellate Tribunal 'D' Bench, Chennai for the assessment years 2007-08 and 2008-09 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 the Tribunal was right in holding that the penalty u/s 271(1)(c) is not leviable on the assessee?"

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.R.Sivaraman, 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

//True copy//

Sub Assistant Registrar

abr

To

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

2. The Deputy Commissioner of Income Tax,
   Company circle VI(2),   Chennai-34

3. The Assistant Commissionr of Income Tax,
   Company Circle VI(12), Chennai.

4. The Assistant Commissioner of Income-Tax
   Company Circle VI(2)
   Chennai-600 034.

+1cc to Mr.T.R.Senthil Kumar, Advocate SR.No.75124

T.C.A.Nos.642 and 643 of 2017

SR(CO)
GMY(12/11/2019)