IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

T.C.A.No.413 of 2009

Commissioner of Income Tax I,
Chennai ... Appellant

vs.

M/s.Fisher Sanmar Ltd.,
(Formerly Fisher
Xomox Sanman Ltd.)
9, Cathedral Road,
Chennai 600 006 ... Respondent

Prayer ::- Appeal filed against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 20.11.2008 in ITA No.2086/Mds/2007, against the order of the Commissioner of Income Tax(Appeals)-III, at Chennai ITA.No.750/2006-07/A-III dt 6/7/2007 against the Assessment order for the assessment year 2004-05 dt 29/12/2006 passed by the Additional Commissioner of Income Tax, Company Range-II, Chennai made in PAN.No.AAACF0483F.

For appellant : Mr.Karthick Ranganathan

For respondent : Mr.R.Venkatanarayanan,
M/s.Subbaraya Aiyar Padmanabhan

ORDER

(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 3 July 2020, by Judges at their respective residence and the counsel, staff of the Court appearing from their respective residences.

2. This Tax Case Appeal has been filed by the Revenue, calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, "A" Bench, by raising the following substantial question of law:

"Whether on the facts and circumstances of the case, the Tribunal was right in holding that the deduction u/s 8OHHC is to be allowed without deducting the deduction granted u/s 80IA?"

3. When the matter is taken up for hearing, learned Counsel for the appellant brought to our notice the Circular issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8 August 2019, wherein, it is stipulated that appeal shall not be filed/ pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.1,00,00,000/- (Rupees One Crore).

4. In the instant case, the tax effect is said to be less than the monetary limit imposed and therefore, the Appeal filed by the Revenue is dismissed as withdrawn, keeping open the substantial question of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

kpl/tar

To

1.M/s.Fisher Sanmar Ltd.,
(Formerly Fisher
Xomox Sanman Ltd.)
9, Cathedral Road,
Chennai 600 006.

2.The Commissioner of Income Tax-I,
Chennai.

3.The Commissioner of Income Tax Appeals-III,
Chennai.

4.The Additional Commissioner of Income Tax,
Company Range-II, Chennai-34.

T.C.A.No.413 of 2009

SS(CO)
CB(10/11/2020)