IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Tax Case (Appeal) No.1155 of 2010

The Commissioner of Income Tax
Chennai ... Appellant

Vs.

Mr.S.A.Asokan ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal 'D' Bench, Chennai dated 04.06.2010 in ITA No.1072/Mds/09.

Against the order dated 17/03/2009 made in ITA.No. 559/07-08/A-111 on the file of the Commissioner of Income Tax (Appeals) -III, Chennai for the assessment year 2005-06.

Agaisnt the order date 27/12/2007 made in PAN GIR No.AACPA 7676C on the file of the Assistant Commissioner of Income Tax General of Circle I (1) Chennai, for the assessment year 2005-06.

For Appellant : Mr.T.Ravi Kumar
Senior Standing Counsel

For Respondent : Mr.G.Bhaskar

J U D G M E N T
(Judgment of the Court was delivered by DR.VINEET KOTHARI,J)

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, 'D' Bench, Chennai, by raising the following substantial questions of law:

"1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in allowing the claim of deduction under Section 80IB(10) when no completion certificate is issued to the assessee by the Local Authority? And 2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee has complied with the requirements of Section 80IB(10)?”

2. When the matter was taken up for hearing, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8th August 2019, wherein, it is stipulated that appeals 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).

3. 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 not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

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

2.The Commissioner of Income Tax (Appeals) III,
Chennai.

3.The Assistant Commissioner of Income Tax,
Company Circle I (1), Chennai.

+1cc to Mr.T.Ravi Kumar, Advocate, S.R.No. 14486
+1cc to Mr.SriRanjani, Advocate, S.R.No. 14460

T.C.(A) No.1155 of 2010

RSV(CO)
GN(19/03/2020)