IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM

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

Tax Case (Appeal) No.1291 of 2010

The Commissioner of Income Tax-VIII
Chennai ... Appellant/Appellant

Vs.

M/s.CRS Holdings,
No.17-A, Thirukatohi Nambi Street,,
Kancheepuram (PAN AADFC8707F) ... Respondent /Respondent

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Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal 'C' Bench, Chennai dated 11.06.2010 in ITA No.1717/Mds/2008, against the order of the Commissioner of Income Tax (Appeals)-IX, Chennai dated 30-05-2008 in ITA No.165/07-08 against the order of the Assistant Commissioner of Income Tax, Circle-I, Vellore dated 27-12-2007 in PAN No/GIR No.AADFC8707F/13327-C.

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For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel

For Respondent : Mr.R.Venkat Narayanan
and
for Subharaya Aiyar Padmanabhan

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

"    Whether on the facts and in the circumstances of the case, the Income-Tax Appellate Tribunal was right in law in deleting the addition made by the assessing officer to the tune of Rs.51,00,000/- under section 68 of the Income Tax Act, 1961 is valid?”

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

//True Copy//

Sub Assistant Registrar

msr

To

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

2.The Commissioner of Income Tax(Appeals)-IX,
Chennai-34.

3.The Commissioner of Income Tax,
Circle-I, Vellore.

+1cc to Mr.Subbaraya Aiyar Padmanabhan, Advocate SR.16899

Tax Case (Appeal) No.1291 of 2010

SSD(CO)
CB(17/06/2020)