IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM

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

Tax Case (Appeal) Nos.720 & 721 of 2010

The Commissioner of Income Tax
Chennai. ..Appellant

Vs.

Smt.Padmavathy Baffna ...Respondent

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal 'B' Bench, Chennai dated 15.10.2008 in IT(SS) A No.89/Mds/2007 against the order of the Commissioner of Income Tax (Appeals-II) Chennai dated 01.02.2007 made in CIT(A)/ CHE/215/2006-2007 against the order dated 30.06.2006 in under section 158 BC r/w Section 158 BD of the IT Act passed by the Deputy Commissioner of Income Tax Central Circle II(4) Chennai.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel

For Respondent : No appearance

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI,J)

These Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'B' Bench, Chennai, by raising the following substantial questions of law:

"1.Whether on the facts and in the circumstances of the case, the Tribunal was right in entertaining the cross objection of the assessee that did not object to the grounds filed by the Revenue?"

2. Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the proceedings under Section 158BD on the assessee is not sustainable in law?"

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 appeals filed by the Revenue are dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2. The Commissioner of Income Tax
(Appeals)II Chennai 34.

3. The Deputy Commissioner of Income Tax
Central Circle II(4)(I/C) Chennai 34.

+1 CC to Mr.T.R.Senthil Kumar, Advocate sr 19616.

T.C.(A) Nos.720 & 721 / 2010

GP(CO)
SP(20/05/2020)