IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9.1.2020

CORAM

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

Tax Case (Appeal) No.854 of 2010

Commissioner of Income Tax
Chennai. Appellant

Vs.

Forbes & Co. Ltd.,
(Formerly Forbes Gokak Ltd.)
(In the matter of FAL Industries Ltd.)
The Catholic Centre, 108, Armenian Street,
P.O.Box No.45, Chennai 600 001. 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 18.2.2010 made in ITA No.1627/Mds/2008 and against the order of the commissioner of Income Tax (Appeals)-VIII, No.121,Mahatma Gandhi Road, Chennai-34, dated 05.06.2008, made in ITA No.193/07-08, and against the order of the Deputy Commissioner of Income Tax, Company circle-II(1), Chennai, dated 30-11-2006 made in PAN/GIR No.AAACF0914D.

For Appellant : Mr.S.Rajesh
Standing Counsel

For Respondent : Mr.Venkatanarayanan

J U D G M E N T
(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, dated 18.2.2010 made in ITA No.1627/Mds/2008, for the Assessment Year 2004-2005, by raising the following substantial question of law:

"Whether on the facts and circumstances of the case, the Tribunal was right in remitting the case to the assessing officer with the direction to consider the claim of deduction under Section 80IC when the assessee had admittedly not claimed the deduction in its return and had also not filed any revised return?"

2. When the matter is taken up for hearing, 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is said to be less than the monetary limit imposed and therefore, the Appeal filed by the Revenue is dismissed, as withdrawn, keeping open the substantial question of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssk.

To

1.The Commissioner of Income Tax
Chennai.

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

3.The Commissioner of Income Tax(Appeals)-VIII
No.121, Mahatma Gandhi Raod, Chennai-34.

4.The Deputy Commissioner of Income Tax,
Company Circle-II(1), Chennai.

+1cc to Mr.Subbaraya Aiyar, Advocate SR.2931

T C (A) No.854 of 2010

BR(CO)
CB(21/02/2020)