IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM

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

Tax Case (Appeal) No.909 of 2010

Commissioner of Income Tax
Chennai ... Appellant

Vs.

M/s.G.F.Securities
No.20, Agasthiyar Manor
Raja Street, T.Nagar
Chennai. ... Respondent

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal 'C' Bench, Chennai dated 04.03.2010 in M.P.No.362/Mds/2009 in ITA No.1215/Mds/09 and Against the O/o.The Commissioner of Income Tax(Appeals) -IV, Mahatma Gandhi Road, Chennai -34 and made in ITA.No.91/08-09, dated 16.07.2019 and against the Deputy Commissioner of Income Tax, Circle -I, Chennai -34 and made in AAEFG1475D, dated 03/12/2008 for the Assessement year 2006-2007.

For Appellant : Mr.T.Ravi Kumar,
Sr.Standing Counsel

For Respondent : Mr.R.Sivaraman

JUDGMENT

(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, Madras, by raising the following substantial question of law:

"Whether under the facts and in the circumstances of the case, the Appellate Tribunal was justified in recalling its earlier order with a view to pass a fresh order re-adjuciating the issues in dispute on the basis of the Miscellaneous Petition for rectification filed by the Assessee which is beyond the scope of the power conferred on the Tribunal under Section 254(2) of the Income Tax Act?'

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(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax(Appeals)-IV,
Mahathma Gandhi Road,
Chennai -34.

3.The Deputy Commissioner of Income Tax, Circle -I,
Chenna- 34.

+1cc to Mr.T.Ravikumar, Advocate Sr.No.12133

AKM/16.03.2020 /2P-5C/

T.C.(A) No.909 of 2010