IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM

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

Tax Case (Appeal) No.650 of 2011

Commissioner of Income Tax
Chennai ... Appellant

Vs.

M/s.Fichtner Consulting Engineers
(I) Pvt Ltd., No.64, Old No.143
Ganesh Chambers, Eldams Road
Chennai 600 018. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal 'A' Bench, Chennai dated 30.06.2011 in ITA No.550/Mds/2011 and Against the O/O Commissioner of Income Tax Appeals III, Chennai 34 and made in ITA.NO.611/09-10 dated 15.12.2010 and against the Deputy commissioner of Income Tax Company circle II(1), chennai and made in PAN NO.AAA CF56 20Q Dated 31.12.20009 for the Assessment Year 2007-2008.

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

For Respondent : Mr.A.Sriraman

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, 'A' Bench, Madras, by raising the following substantial question of law:

"Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in allowing the claim of bad debts as non-recoverable when the assessee company is writing off the same within one month or in the same month when the bills were raised?”

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arrTo

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

2.The Commissioner of Income Tax Appeals III,
Nungambakkam Chennai 34

3.The Deputy commissioner of Income Tax Company circle II(1), chennai

+1cc to Mr.S.Sridhar , Advocate SR.No. 12077

T.C.(A) No.650 of 2011

A.SK(11/03/2020)