IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.6.2020

CORAM

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

Tax Case (A) No.210 of 2015

Commissioner of Income Tax
Chennai. ... Appellant/Respondent

Vs.

M/s.Kochar Realtors Pvt. Ltd.,
18/21, Coats Road,
T.Nagar, Chennai 600 017. ... Respondent/Appellant

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 28.10.2013 made in ITA No.51/Mds/2011

against the order passed by the Commissioner of Income Tax, Chennai-I, Chennai dated 27/10/2010 made in C.NO.218(35)/CIT-1/263/2010-11 and against the order passed by the Income Tax Officer (OSD) Company Circle-II (4) (i/c) Chennai, dated 10/11/2008 made in GIR No./PAN No.AACCK0354Q for Assessment Year 2006-07.

For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel

For Respondent : No appearance.

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, 'C' Bench, Chennai, dated 28.10.2013 made in ITA No.51/Mds/2011, for the Assessment Year 2006-2007, by raising the following substantial questions of law:

"(i) Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in cancelling the order passed under Section 263 of the Income tax Act?

(ii) Is not the finding of the Tribunal bad especially when the reassessment proceedings in a particular year are governed by Section 153 of the Income Tax Act and the principle of res judicata cannot be applied to income tax proceedings?"

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is said to be less than the monetary limit imposed and therefore, the Appeal filed by the Revenue is dismissed, as withdrawn, keeping open the substantial questions of law for determination in appropriate cases.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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Commissioner of Income Tax,
Chennai.

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

3. The Commissioner of Income Tax,
Chennai-I,
Chennai.

4. The Tax Officer (OSD),
Company Circle-II(4)(i/c),
Chennai.

ca[co]
srg 01/07/2020