

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2020

CORAM

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

Tax Case Appeal No.25 of 2013

Commissioner of Income Tax  
Chennai.

..Appellant/Respondent

Vs.

M/s.India Equipment Leasing Limited,  
(Merged with Sundaram Finance Ltd.)  
21 Patullas Road,  
Chennai - 600 002.

..Respondent/Appellant

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal Madras 'D' Bench, dated 31.05.2012 in ITA.No.474/Mds/2011 and against the order of Commissioner of Income Tax (Appeals) XII, Chennai in ITA.No.259/2005-06, dated 13.12.2010 and against the order of Assistant Commissioner of Income Tax Company Circle VI(4), Chennai, dated 29/03/2005 in G.I.No.SU-48/AAAJ0001K.

For Appellant : Mr.T.Ravikumar

For Respondent : Mr.Venkat Narayanan

for Subbaraya Aiyar Padmanaban

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, by raising the following substantial question of law:

"Whether under the facts and circumstances of the case, the Tribunal is right in deleting the penalty levied under Section 271(1) (c)?

2. When the matter is taken up for final hearing, the learned counsel brought to our notice the Circular instruction

issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 08.08.2019, 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 Crore (Rupees One Crore Only).

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 question of law for determination in an appropriate case. No costs.

Sd/-

Assistant Registrar (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,  
Madras 'D' Bench.

2.The Commissioner of Income Tax,  
121, Mahatma Gandhi Road, Nungambakkam,  
Chennai -34.

3.The Assistant Commissioner of  
Income Tax Company Circle VI(4),  
121, Mahatma Gandhi Road,  
Chennai -34.

+1cc to Mr.T.Ravikumar, Advocate Sr.No.15641

+1cc to Mr.Subbaraya Aiyar Padmanabhan, Advocate Sr.No.15643

AKM/19.03.2020 /2P-6C/

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