In the High Court of Judicature at Madras

Dated : 16.6.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Tax Case Appeal No.990 of 2015

The Commissioner of Income Tax, Chennai ...Appellant

Vs

M/s.Sical Infra Assets Ltd.,
73, Aremenian Street,
Chennai-600 001. ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 20.3.2015 made in ITA.No.1185/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2009-10, against the order dated 31/01/2014 made in ITA.No.1267/13-14 on the file of the Commissioner of Income Tax (Appeals)-VI, Chennai-34, For the Assessment Year 2009-10.

And against the order dated 16.12.2011 made in PAN/GIR No.AAKCS8356A on the File of the Assistant Commissioner, Income Tax Company Circle -VI(3), Chennai, for the Assessment year 2009-10.

For Appellant : Mr.J.Narayanasamy, SSC
For Respondent: Mr.A.S.Sriraman

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.J.Narayanasamy, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.A.S.Sriraman, learned counsel appearing for the respondent.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) is directed against the order dated 20.3.2015 made in ITA.No.1185/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench (for brevity, the Tribunal) for the assessment year 2009-10.

3. The appeal has been admitted on 02.11.2015 on the following substantial question of law :

"Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the second revised return submitted by the assessee which was not sent to CPC, Bangalore is valid return and can be considered by the Assessing Officer for the purpose of giving set off of the business loss incurred during the year against the income from other sources ?"

4. The learned Senior Standing Counsel for the appellant submits that the above appeal is not pursued by the Revenue on account of the low tax effect in terms of Circular No.17/2019 dated 08.8.2019 issued by the Central Board of Direct Taxes. By the said Circular, the monetary limit for filing or pursuing an appeal before the High Court has been increased to Rs.1 Crore. It is further submitted that the tax effect in this case is less than the threshold limit.

5. In the light of the said submissions, the above tax case appeal is dismissed on account of the low tax effect. The substantial question of law framed is left open. In the event the tax effect is above the threshold limit fixed in the said circular, liberty is granted to the Revenue to make a mention to this Court to restore the appeal to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

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

2.The Commissioner of IncomeTax (Appeals -VI)
Chennai.

3.The Assistant Commissioner,
Income Tax Company Circle VI(3),
Chennai.

TCA.No.990 of 2015

LN(CO)
RMP(07/10/2020)