IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.2.2020

CORAM

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

Tax Case (Appeal) Nos.73 to 78 of 2013

Commissioner of Income Tax
Coimbatore. Appellant

Vs.

M/s.The Salisbury Industrial
Cooperative Tea Factory Ltd.,
Gudalur, Nilgiris. Respondent

Tax Cases filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'C' Bench, Chennai, dated 25.5.2012 made in ITA Nos.243 to 248/Mds/2012. Appeal filed against the order of the Commissioner of Income Tax (Appeals)1 Coimbatore dated 21.10.2011 in Appeal Nos.253,254,255,256,257,258/10-11 agains the Assessment order for the year 2008-2009 made in PAN GIR No:AAAA73695/F, for the year 2007-08 for the year 2006-2007, for the year 2005-2006, for the year 2004-2005 and for the year 2003-2004, dated 31.12.2010 on the file of Income Tax Officer, Ward I(1) Otacamund.

For Appellant : Mr.T.R.Senthilkumar
Senior Standing Counsel

For Respondent : Mr.M.P.Senthilkumar

J U D G M E N T
(Delivered by DR.VINEET KOTHARI,J)

These Tax Cases have been filed by the Revenue, calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'C' Bench, Chennai, dated 25.5.2012 made in ITA Nos.243 to 248/Mds/2012, for the Assessment Years 2003-2004 to 20008-2009, by raising the following substantial questions of law:

"(i) Whether under the facts and circumstances of

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

the case, the Income Tax Appellate Tribunal was right in holding that the assessee Society eligible for availing the benefits of deduction under Section 80P(2)(a)(iii) of the Income Tax Act?

(ii) Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee Society is eligible for deduction when the assessee manufactures black tea powder out of green tea leaves grown by its members, which has different shape, texture and use?

(iii) Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee Society is eligible for deduction even though it is using power in producing the black tea powder?"

2. When the matters are 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 cases, the tax effect is said to be less than the monetary limit imposed and therefore, the Appeals filed by the Revenue are dismissed, as withdrawn, keeping open the substantial questions of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar(CS-II-MDU)

//True Copy//

Sub Assistant Registrar

ssk.

To

1.The Commissioner of Income Tax
Coimbatore.

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

3. The Income Tax Officer,
Ward I (1), Ooty.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

4. The Additional Commissioner of Income Tax
Range IV Race Course Road, Coimbatore-641 018.

+1cc to Mr.T.R.Senthilkumar, Advocate SR.12156
+1cc to Mr.G.Baskar, Advocate SR.12028

KS(CO)
CB(17/06/2020)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/