In the High Court of Judicature at Madras

Dated : 15.6.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Tax Case Appeal No.823 of 2013

The Commissioner of Income
Tax, Central Circle, Salem ...Appellant/Respondent

Vs

Shri P.Madhurajan (HUF),
Prop.: Baalaji Process ...Respondent/ Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 24.6.2011 made in ITA.No.256/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench for the assessment year 2002-03. Arising against the order dated 02.12.2008 of the Commissioner of Income Tax (Appeals)Salem in ITA No.272/06-7 arising against the Assessment order dated 27-12-2006 of Assistant Commissioner of Income Tax, Central Circle, Salem, Assessment year 2002-2003. PANAAFHM7760L.

For Appellant : Mr.T.R.Senthilkumar, SSC assisted by Ms.K.G.Usharani, SC
For Respondent: No appearance

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.R.Senthilkumar, learned Senior Standing Counsel assisted by Ms.K.G.Usharani, learned Standing Counsel appearing for the appellant - Revenue.

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 24.6.2011 made in ITA.No.256/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'A' Bench (for brevity, the Tribunal) for the assessment year 2002-03.

3. The appeal has been admitted on 17.11.2014 on the following substantial questions of law :

> "i. Whether, on the facts and in the circumstances of the case, the Tribunal was

right in deleting the addition of Rs.68 lakhs made under Section 69 of the Income Tax Act ? and

ii. Whether, on the facts and in the circumstances of the case, the Tribunal was right in deleting the addition when the assessee has not disclosed the purchase of the property in the return of income and therefore, the Assessing Officer has rightly added the same as unaccounted income of the assessee ?"

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 questions of law framed are 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

TCA.No.823 of 2013

RSK (CO)
RV (03/09/2020)