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.521 OF 2016

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

Vs

Shri T.T.Dhevanathan ...Respondent/Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 11.12.2015 made in IT(SS)A.No.19/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the block period 01.4.1996 to 05.12.2002 against the order of the Commissioner of Income Tax(Appeals)-II 108, Mahatma Gandhi Road, Chennai 34 dated 25/04/2013 ITA No.58/11-12/A II, G.I.No/PAN No. AACPD9566C for the Assessment year Block Period 1.4.96 to 05/12/2002 and against the Assistant Commissioner of Income Tax, Central Circle II(5), Chennai 34, dated 31/12/2004 PA No./GIR No.AACPD9566C/701-D status-Individual for the Assessment Block Period 01/04/1996 to 05/12/2002.

For Appellant : Mr.T.Ravikumar, SSC & Mrs.R.Hemalatha, SSC
For Respondent : Mr.S.Janarthanan

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.Ravikumar and Mrs.R.Hemalatha, learned Senior Standing Counsel appearing for the appellant - Revenue and Mr.S.Janarthanan, learned counsel appearing for the respondent - assessee.

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 11.12.2015 made in IT(SS)

A.No.19/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench (for brevity, the Tribunal) for the block period 01.4.1996 to 05.12.2002.

3. The appeal has been admitted on 29.8.2016 on the following substantial questions of law :

> "1. Whether on the facts and in the circumstances of the case, the Tribunal was correct in deleting the additions made towards sale of property which was based on the evidence found during the course of search and sworn statement recorded from the agreement holders ? And
>
> 2. Whether the finding of the Tribunal is proper by holding that the Assessing Officer could not determine the sale price based on the average sale prices mentioned in the agreement with the property buyers ?"

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. No costs.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

RS

To

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

2.The Commissioner of Income Tax(Appeald)-II,
108, Mahatma Gandhi Road, Chennai 34

3.The Assistant Commissioner of Income tax,
Central Circle II(5), Chennai 34.

TCA.No.521 of 2016

AD(CO)
KKV/01/09/2020