IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.7.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TAX CASE APPEAL NOS.105 & 106 OF 2014

The Commissioner of Income Tax,
Central Circle, Salem ...Appellant in both the Appeals

Vs

M/s.Sree Venkatachalapathy
Corporation, Salem-63710 ...Respondent in both the Appeals

APPEALS under Section 260A of the Income Tax Act, 1961 against the common order dated 10.5.2011 made respectively in ITA.Nos.1646 & 1647/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment years 2003-04 and 2004-05 against the order of the Commissioner of Income Tax Appeals,Salem dated 30.04.2009 in ITA:261/06-07, ITA:263/06-07, ITA:265/06-07 and ITA:267/06-07,and arising out of the assessment orders of Assistant Commissioner of Income Tax, Central Circle, Salem, dated 27.12.2006, in AAVFS0057Q/CCFS028

For Appellant : Mr.M.Swaminathan, SSC assisted by
Ms.V.Pushpa, SC & Mrs.S.Premalatha, SC
For Respondent : Mr.G.Baskaran

COMMON JUDGMENT
(Judgment was delivered by T.S.Sivagnanam,J)

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel assisted by Ms.V.Pushpa, learned Standing Counsel and Mrs.S.Premalatha, learned Standing Counsel appearing for the appellant - Revenue and Mr.G.Baskar, learned counsel appearing for the respondent - assessee.

2. These appeals, filed by the Revenue under Section 260A of

the Income Tax Act, 1961 (for short, the Act) are directed against the common order dated 10.5.2011 made respectively in ITA.Nos.1646 & 1647/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench (for brevity, the Tribunal) for the assessment years 2003-04 and 2004-05.

3. The appeals were admitted on 21.7.2014 on the following substantial question of law :

> "Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in applying instruction No.3 of 2011 dated 09.2.2011 in respect of the pending appeal, on which, instruction No.5 of 2008 dated 15.5.2008 alone is applicable ?"

4. The learned Senior Standing Counsel for the appellant submits that the above appeals are 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 the respective cases is less than the threshold limit.

5. In the light of the said submissions, the above tax case appeals are dismissed on account of the low tax effect. The substantial question of law framed is left open. In the event the tax effect in the respective cases 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 appeals 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 'B' Bench.

2.The Commissioner of Income Tax(Appeals), Salem.

3.The Assistant Commissioner of Income Tax,
Central Circle, Salem.

4.The Assistant Registrar,

Income Tax Appellate Tribunal,
Balaji Bhavan, IIIrd Floor,
Besant Nagar, Chennai-90.

TCA.Nos.105 & 106 of 2014

MP(CO)
KKV/17/08/2020