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.183 of 2014

The Commissioner of Income Tax, Coimbatore ...Appellant

Vs

M/s.The Tamil Nadu Coop.Textile Processing Mills Ltd., Erode-4. ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 29.7.2013 made in ITA.No.880/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2009-10, appeal against the order dated 05.02.2013 made in PAN No./GIR.No.AAAAT3147N on the file of the Commissioner of Income Tax (Appeals)-I, Coimbatore, for the Assessment year 2009-10, and as against order dated 30.12.2011 made in PAN/GIR AAAAT3147N on the file of the Income Tax Officer, Ward I(4), Erode, For the Assessment year 2009-10.

For Appellant : Mr.T.R.Senthilkumar, SSC assisted by Ms.K.G.Usharani, SC

For Respondent: Mr.G.Baskar

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 and Mr.G.Baskar, 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 29.7.2013 made in ITA.No.880/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench (for brevity, the Tribunal) for the assessment year 2009-10.

3. The appeal has been admitted on 09.7.2014 on the following

substantial question of law :

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right in upholding the order of the Commissioner of Income Tax (Appeals) directing the Assessing Officer to take into consideration the return filed by the assessee beyond the time limit stipulated under Section 139(5) of the Act?"

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(CS III)

//True Copy//

Sub Assistant Registrar

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

2.The Commissioner of Income Tax(Appeals)-I,Coimbatore.

3.The Income Tax officer, Ward I(4), Erode.

TCA.No.183 of 2014

EV(CO)
RMP(03/09/2020)