In the High Court of Judicature at Madras

Dated : 17.06.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Tax Case Appeal No.569 of 2014

Commissioner of Income Tax,
Central Circle, Chennai. ...Appellant

Vs

K.Surendra Kumar,
Prop of Srinivasa Foundation,
7, Vidyodaya First Cross St.,
T.Nagar, Chennai-600 017.
PAN AAIPK7061R ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 12.08.2011 made in ITA No.1324/Mds/2010 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai, for the assessment year 2006-07 aganist the order of the Commissioner of Income Tax(Appeals)-II, Chennai,dated 23.4.2010 and made in ITA No.160/08-09 and aganist the order of the Assistant Commissioner of Income Tax,Central circle III(1), Chennai-600 034 dated 30.12.2008 and made in PAN/GIR No.AAIPK7061R

For Appellant: Mr.T.R.Senthil Kumar,
Senior Standing Counsel
assisted by Ms.K.G.Usha Rani,
Junior Standing Counsel

Respondent: Mr.A.S.Sriraman

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel assisted by Ms.K.G.Usha Rani, learned Junior Standing Counsel appearing for the appellant-Revenue and Mr.A.S.Sriraman, learned counsel for the respondent-assessee.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 is directed against the order dated 12.08.2011 made in ITA No.1324/Mds/2010 on the file of the Income Tax Appellate Tribunal 'C' Bench, Chennai, for the assessment year 2006-07.

3. The appeal was admitted on 23.09.2014 on the following substantial question of law :

> "Whether on the facts and in the circumstances of the case, the Income Tax Tribunal was right in holding that the assessee is only part owner of the two properties and hence cannot be held to own a residential property as required for the purpose of benefit u/s 54-F?"

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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

abr

To

1.The Income Tax Appellate Tribunal 'C' Bench, Chennai.
2.The Commissioner of Income Tax (Appeals)-II
46, Mahatma Gandhi Road,
Nungambakkam,Chennai-600 034.

3.The Assistant Commissioner of Income Tax
Central circle III(1)
Chennai-34.

4.The Commissioner of Income Tax,
Central Circle,Chennai.

TCA.No.569 of 2014

MP(CO)
GS(17/08/2020)