IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Tax Case (Appeal) Nos.226 & 227 of 2017

The Commissioner of Income Tax-II
No.121, Mahatma Gandhi Road, Chennai. ... Appellant in both appeals

Vs.

M/s.Hansa Vision India Private Limited
No.605&606, 2nd Floor, Film Chamber
Building, Anna Salai, Chennai .. Respondent in both appeals

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the common order of the Income Tax Appellate Tribunal 'A' Bench, Chennai dated 08.09.2016 in ITA Nos.1868 & 1869/Mds/2016 as against the common order dated 08/04/2016 passes by the office of commissioner of Income Tax (Appeals), Chennai in ITA 184&58/CIT(A) - 6/2013-14 & 2014-15, against the order dated 19/03/2014 for the asst year 2011-12 for the PAN/GIR No.AABCT3770E. & as against the order dated 28/03/2013 for the asst year 2010-11 for PAN/GIR No.AABCT377OE of the Asst Commissioner of Income Tax, Company Circle III(2), Chennai-34

For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel

For Respondent : Mr.A.S.Sriraman & Sridhar

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI,J)

These Tax Case Appeals have been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'A' Bench, Chennai, by raising the following substantial question of law:

" Whether on the facts and circumstances of the case, the Appellate Tribunal is correct in law in holding that the investments made by the assessee in its sister concerns are not liable for disallowance u/s 14A, when the provisions of the said section as well as Rule 8D of the Income Tax Rules, 1962, does not provide for such exemption?"

2. When the matter was taken up for hearing, the learned Standing Counsel brought to our notice the Circular instruction issued by the Central Board of Direct Taxes vide Circular No.17/2019 dated 8th August 2019, wherein, it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.1,00,00,000/- (Rupees One Crore).

3. In the instant cases, the tax effect is said to be less than the monetary limit imposed and therefore, the appeals filed by the Revenue are dismissed as not pressed, keeping open the substantial questions of law for determination in an appropriate case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

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

2. The Commissioner of Income Tax,
(Appeals) 6.

3. The Assistant Commissioner of Income Tax,
Company Circle III(2), Chennai - 34.

T.C.(A) Nos.226 & 227 of 2017

KKV/11/06/2020