IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

T.C.A.No.1024 of 2009

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

Versus

M/s.Sri Ramachandra Educational and
Health Trust,
25 Sir C.V.Raman Road,
Alwarpet, Chennai 600 018.
... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai, "C" Bench, dated 03.12.2008 in I.TA.No.398/Mds/2008 against the order of the Commissioner of Income Tax (Appeals)-I, Chennai, dated 22.11.2007 in ITA No.159/2006-2007, PAN No.AAA7S2283D for the Assessment Year 2004-2005 against the order of the Assistant Commissioner of Income Tax, Central Circle-I(3), Chennai, dated 29.12.2006 in PA/GI.No.AAA7S2283D for the Assessment Year 2004-2005.

For Appellant : Mr.J.Narayanaswamy

For Respondent : Mr.R.Sivaraman

J U D G M E N T

(Judgment was delivered by R.MAHADEVAN, J.)

This tax case appeal has been filed by the appellant / Revenue, challenging the order dated 03.12.2008 passed by the Income Tax Appellate Tribunal, Chennai 'C' Bench, in I.T.A.No.398/Mds/2008, relating to the assessment year 2004-05.

2.By order dated 27.10.2009, this court admitted the aforesaid tax case appeal on the following substantial question of law:

> "Whether on the facts and circumstances of the case, the appellate Tribunal is right in holding that the assessee trust was prevented by circumstances beyond its control from withdrawing the deposit of Rs.50 lakhs from Egmore Benefit Fund Society Ltd., and investing the same in the modes prescribed under Section 11(5) of the Income Tax Act before the commencement of the relevant previous year and in deleting the addition of Rs.50 lakhs made by the assessing officer on that ground?"

3.When the matter was taken up for consideration, the learned counsel for the appellant / Revenue brought to the notice of this court the Circular No.17/2019 dated 08.08.2019 issued by the Central Board Direct Taxes, wherein, it is stipulated that appeal 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). It is also submitted that the tax effect in this appeal is less than the threshold limit.

4.In the light of the aforesaid submissions made by the learned counsel for the appellant / Revenue, the present appeal, wherein, the tax effect is said to be less than the monetary limit imposed, is dismissed as withdrawn, keeping open the substantial question of law for determination in an appropriate case. No costs.

Sd/-
Assistant Registrar(CS-V)

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Sub Assistant Registrar

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To

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

2. Commissioner of Income Tax Central I,
   Chennai.

3. The Commissioner of Income Tax,
   Nungambakkam,
   Chennai - 34.

4. The Assistant Commissioner of Income Tax,
   Central Circle - I(3),
   Chennai.

SMI(CO)
SU(04/01/2022)