IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.02.2021

CORAM:
THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

T.C.A.No.1141 of 2009

Commissioner of Income Tax,
Central II, Chennai. ... Appellant/Appellant

Vs.

C.P.Kunhimohammed ... Respondent/Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "A" Bench, Chennai dated 03.06.2009 in I.TA.(SS). No.66/Mds/2008 Block Assessment period: 1996-97 to 2001-02 and from 01.04.2002 to 22.01.2003 and this appeal preferred against the Commissioner of Income Tax (Appeals)II, Chennai order dated 25.03.2008 made in A.No. CIT(A)/CHE/149/2007-2008 for the assessment year Block assessment for the period ending 22.01.2003 and against the Deputy Commissioner of Income Tax, Central Circle 11(3) Chennai 34 order dated 31.12.2007 made in AAPPK2443N/26749K for the assessment year relevant to Block period 1996-1997 to 2001-2002 from 01.04.2002 to 22.01.2003.

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

For Respondent : Mr.N.V.Balaji

JUDGMENT
(Judgment was delivered by M.DURAISWAMY, J.)

We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel for the appellant/Revenue and Mr.N.V.Balaji, learned counsel for the respondent/assessee.

2.The appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) is directed against the order dated 03.06.2009 made in I.TA.(SS).No.66/Mds/2008 on the file of the Income Tax Appellate Tribunal, Chennai, "A"

Bench (for brevity, the Tribunal) for the Block Assessment period: 1996-97 to 2001-02 and from 01.04.2002 to 22.01.2003.

3.The appeal was admitted on 16.11.2009 on the following substantial question of law:

> "Whether on the facts and circumstances of the case, the Appellate Tribunal was right in upholding the order of the Commissioner of Income Tax (Appeals) deleting the addition for Rs.36,26,000/- made the assessing officer being unexplained investment in M/s.Kerala Roadway Ltd., in the block assessment made u/s 158BC read with Section 263 of the Income Tax 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 08.08.2019 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 these cases are less than the threshold limit.

5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect. The substantial question of law framed is left open. In the event the tax effect in this case 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
1.The Income Tax Appellate Tribunal, Chennai, "A" Bench, Chennai

2.The Commissioner of Income Tax
(Appeals)II, Chennai

3.The Deputy Commissioner of Income Tax
Central Circle II(3)
Chennai 34.

+1 CC to Mr.T.R.Senthil Kumar, Advocate sr 10254.
+1 Cc to Mr.N.V.Balaji, Advocate sr 10853.

T.C.A.No.1141 of 2009

KJ(CO)
SP(19/03/2021)