IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.01.2021

CORAM:

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

T.C.A.No.1188 of 2009

Commissioner of Income Tax,
Chennai ... Appellant

vs.

Dr. M.P. Naresh Kumar,
93, Poes Garden, Chennai. ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "A" Bench, dated 20.02.2009 in MP.No.332/MDS/2008 in ITA.No.59/Mds/2008 for the Assessment Year 2003-04.

Preferred against the order of the dated 04.07.2008 made in ITA.No. 59/MDS/2008 filed against the order of the Commissioner of Income Tax Appeals III, Chennai dated 12.10.2007 made in ITA.No. 113/2006-07/A-III filed against the Assessment order of the Assistant Commissioner of Income Tax, company Circle II (2), Chennai dated 09.03.2006 for the Assessment year 2003-2004.

For Appellant : Mr. T.R. Senthil Kumar,
Senior Standing Counsel

For Respondent : Mr. R. Sivaraman

COMMON JUDGMENT
(Judgment was delivered by T.V.THAMILSELVI, J.)

We have heard Mr. T.R. Senthil Kumar,, learned Senior Standing Counsel for the appellant/Revenue and Mr. R. Sivaraman 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 20.02.2009 made in ITA.No.332/Mds/2008 on the file of the Income Tax Appellate Tribunal, Chennai, ''A'' Bench (for brevity, the Tribunal) for the Assessment Year 2003-04.

3.The appeal was admitted on 13.11.2009 on the following substantial question of law:

> "Whether on the facts and circumstances of the case, the Tribunal was right in dismissing the miscellaneous petition filed by the Revenue as misconceived?"

4.The learned Senior Standing Counsel appearing 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 this case is 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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

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

2.The Commissioner of Income Tax Appeals III,
Chennai.

3.The Assistant Commissioner of Income Tax,
Company Circle II (2), Chennai.

+2cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.3214, 3656

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RSI(CO)
GN(18/02/2021)