IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.02.2021

CORAM:

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

T.C.A.Nos.208 to 210 of 2009

Commissioner of Income Tax,
Chennai. ... Appellant in all TCAs

Vs.

Subash Chand Jain,
7 Police Patrol Road,
Shevapet, Salem - 2. ... Respondent in all TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the orders of the Income Tax Appellate Tribunal, Madras, “D” Bench, dated 05.10.2007 in I.TA.No.676/Mds/2001, I.TA.No.3459/ Mds/2004 and I.TA.No.2411/Mds/2005 Assessment Year 1994-95, and against the order of the Commissioner of Income Tax (Appeals), Salem -7, dated 05.10.2005, made in PAN./GIR.No./TAN.No.S-5792 and assessment year 1994-95, and against the order of the Income Tax Officer, Ward -I(2),Salem -7, dated 11.03.2002 made in PAN.No./GIR.No. S-5792, Assessment year 1994-95.

For Appellant : Mr.M.Swaminathan,
(in all TCAs) Senior Standing Counsel

For Respondent : Mr.M.P.Senthil Kumar
(in all TCAs)

COMMON JUDGMENT
(Delivered by M.DURAISWAMY, J.)

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel for the appellant/Revenue and Mr.M.P.Senthil Kumar, learned counsel for the respondent/assessee.

2.The appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) are directed against the order dated 05.10.2007 made in I.TA.No.676/Mds/2001, I.TA.No.3459/Mds/ 2004 and I.TA.No.2411/Mds/2005 on the file of the Income Tax Appellate Tribunal, Chennai, “D” Bench (for brevity, the Tribunal) for the Assessment Year 1994-95.

3.The appeals were admitted on 22.06.2009 on the following substantial question of law:

> “Whether in the facts and circumstances of the case, the Tribunal was right in setting aside the order of CIT under Section 263 and consequently holding other appeals as infructuous?”

4.The learned Senior Standing Counsel for the appellant submits that the above appeals are 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 is less than the threshold limit.

5.In the light of the said submissions, the above Tax Case Appeals are dismissed as withdrawn on account of the Low Tax Effect.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 these cases 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 appeals to be heard and decided on merits. No costs.

Sd/-
Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal,Chennai, “D” Bench, Madras.
2.The Commissioner of Income Tax, Chennai.
3.The Commissioner of Income Tax (Appeals), Salem -7.
4.The Income Tax Officer,Ward(2), Salem -7.

+1cc to Mr.G.Baskar, Advocate SR.NO.5176
+1cc to Mr.M.Swaminathan, Advocate SR.NO..6403

AKM/17.03.21/ 2P-7C/

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