N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

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

TAX CASE APPEAL NO.411 OF 2009

The Commissioner of Income-Tax - I,
Coimbatore.

... Appellant/Appellant

.Vs.

M/s.Golden Refineries (P) Ltd.,
Karattupalayam, Mulanur Road,
Vellakoil, Erode.
PAN - AABCG1071F

... Respondent/Respondent

PRAYER:-

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, "A" Bench Chennai dated 13.10.2008 passed in I.T.(SS). A.No.92/Mds/2007 for the Assessment Year 1991-1992 to 2001-2002 (01/04/1990 to 06/02/2001)

Against the Order of the Commissioner of Income Tax (Appeals)-II, Coimbatore, dated 28/02/2007 passed in I.T.No.371C/2004-2005 for the assessment year 1991-1992 to 2001-2002 against the order of the Deputy Commissioner of Income Tax, Central Circle – I, Coimbatore, dated 31/01/2005 passed in AABCG1071F/CC-1/CBE/2004-2005.

For Appellant : Mr.Karthik Ranganathan
Standing Counsel

For Respondent : Mr.Niranjan Rajagopal
For M/s.G.R.Associates

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 13.10.2008 passed by the Income Tax Appellate Tribunal, "A" Bench, Chennai, in I.T.(SS). A.No.92/Mds/2007, relating to the assessment years 1991-92 to 2001-02.

2. By order dated 22.02.2011, this court admitted the aforesaid tax case appeal on the following substantial question of law:-

> "Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in deleting the penalty under Section 158-BFA(2) of the Income Tax Act. 1961?"

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 case 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the present appeal, wherein, the tax effect is said to be less than the monetary limit imposed, is dismissed as withdrawn, keeping open the substantial question of law for determination in an appropriate case.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

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Income Tax - I,
Coimbatore.

2. The Income Tax Appellate Tribunal,
"A" Bench, Chennai.

3. The Assistant Commissioner of Income Tax,
Central Circle - I,
Coimbatore.

4. The Commissioner of Income Tax Appeals-II,
Coimbatore.

5. The Deputy Commissioner of Income Tax,
Central Circle – I,
Coimbatore.

+1cc to M/s.G.R.Associates, Advocate, S.R.No.61132

TAX CASE APPEAL NO.411 OF 2009

VBM(CO)
PBS/13/12/2021