IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.02.2021

CORAM:

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

T.C.A.Nos.1358 to 1360 of 2010

The Commissioner of Income Tax,
Circle XV, Chennai. ... Appellant in all 3 TCAs

Vs.

M/s.Apex Agencies,
Pottipatti Plaza, II Floor,
New No.77, Nungambakkam High Road,
Chennai - 600 034. ... Respondent in all 3 TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "A" Bench, dated 19.01.2010 in I.TA.Nos.1522 to 1524/Mds/2007, Assessment Year 2000-01, 2001-02 & 2003-04, Appeal filed against the order of the Commissioner of Income Tax (Appeals) III, 121, Mahatma Gandhi Road, Chennai -34, dated 31/01/2007 ITA.Nos.108,109 &110/06-07, G.I.No./ PAN.No.AAIFA0542M, for the Assessment year, 2000-01, 2001-02, 2003-04, respectively and against the order of the Assistant Commissioner of Income Tax Circle -XV, Chennai, dated 31/03/2006, GIK.No.PAN.No.AAIFA0542M District/Ward/Circle, Circle XV, Chennai status firm, for the assessment year 2003-04, 2001-02, 2000-01, respectively.

For Appellant : Mr.T.Ravi Kumar
(in all 3 TCAs) Senior Standing Counsel
For Respondent : Mr.M.Kaushik
(in all 3 TCAs)

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

We have heard Mr.T.Ravi Kumar, learned Senior Standing Counsel for the appellant/Revenue and Mr.M.Kaushik, 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 19.01.2010 made in I.TA.Nos.1522 to 1524/Mds/2007 on the file of the Income Tax Appellate Tribunal, Chennai, "A" Bench (for brevity, the Tribunal) for the Assessment Years 2000-01, 2001-02 & 2003-04.

3.The appeals were admitted on 11.09.2012 on the following substantial questions of law:

> “1)Whether on the facts and circumstances of the case, the Tribunal was right in deciding that re-assessment under Section 147 in all these three years is barred by limitation when the re-assessment order was pased within the prescribed time limit on 31.03.2005?
>
> 2)Whether on the facts and circumstances of the case, the Tribunal was right in deciding the issues contrary to the law laid down in 25 ITR 79 (Mad), 219 ITR 214 (SC) and Chennai Bench Decision in ITA.No.2323/Mds/03 dated 28.12.2006?”

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 are 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 questions of law framed are 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.VI)

/True Copy/

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal, Chennai, "A" Bench.
2.The Commissioner of Income Tax (Appeals)III,
121, Mahatma Gandhi Road, Chennai -34.
3.The Assistant Commissioner of Income Tax, Circle XV, Chennai.

+2cc to Mr.T.Ravi Kumar, Advocate SR.NO..10828 and 10058

AKM/16.03.21/2P- 6C/

T.C.A.Nos.1358 to 1360 of 2010
19.02.2021