

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

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

T.C.A.No.964 of 2010

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Aircel Cellular Ltd.,
5th Floor, Spencer Plaza,
769, Anna Salai,
Chennai. ... Respondent

Tax Case Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai, "A" Bench, dated 31.03.2010 in I.TA.No.1415/Mds/2007, Assessment Year 2002-03 against the order of the Commissioner of Income Tax, Chennai dated 21.03.2007 in C.No.218(22)CTI-i/2006-2007, PAN No.AAACA5136R for the Assessment year 2002-2003 and against the order passed by the Assistant Commissioner of Income Tax, Company Circle I (1) Chennai dated 18/03/2005 for the Assessment year 2002-2003.

For Appellant : Mr.T.Ravikumar
Senior Standing Counsel

For Respondent : Mr.M.P.Senthil Kumar

JUDGMENT

(Judgment was delivered by M.DURAI SWAMY, J.)

We have heard Mr.T.Ravikumar, learned Senior Standing Counsel for the appellant/Revenue and Mr.M.P.Senthil Kumar, 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 31.03.2010 made in I.TA.No.1415/Mds/2007 on the file of the Income Tax Appellate Tribunal, Chennai, "A" Bench (for brevity, the Tribunal) for the Assessment Year 2002-03.

3.The appeal was admitted on 23.11.2010 on the following substantial question of law:

"Whether on the facts and in the circumstances of the case, the Tribunal was right in setting aside the revision order passed by the Commissioner under Section 263 on the ground that CIT lacks jurisdiction since the assessment order is neither erroneous not prejudicial to the interests of the Revenue ?"

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 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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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(CS VII)

//True Copy//

Sub Assistant Registrar

MKN

To

1. The Income Tax Appellate Tribunal, Chennai, "A" Bench
2. The Commissioner of Income Tax, Chennai.
3. The Assistant Commissioner of Income Tax,
Company Circle I(1) Chennai.

+1cc to Mr.T.Ravi Kumar, Advocate, S.R.No.11555

+1cc to Mr.G.Baskar, Advocate, S.R.No.11460

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SMI (CO)

TE (19/04/2021)