IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.03.2021

CORAM:

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

T.C.A.No1079 of 2015

Commissioner of Income Tax,
No.121, Mahatma Gandhi Road,
Chennai - 600 034. ...Appellant

.vs.

Shri Antony Joseph,
No.1141, 16th Avenue,
Ashok Nagar, mChennai - 600 083
PAN : AGE PA 7889 F. ...Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "B" Bench, dated 08.04.2015 in I.T.A.No.2362/Mds/2014 for the Assessment Year 2007-2008 appeal against the order dated 30/04/14 made in ITA No.965/13-14 on the file of CIT(Appeals)-IV Chennai and against the order dated 18/12/2009 made in PAN/GIR No AGEPA 7889F on the file of the ACIT Company Circle-II(4) Chennai for the Assessment year 2007-2008.

For Appellant : Mr. Karthik Ranganathan
Senior Standing Counsel

For Respondent : Mr.N.V. Balaji

JUDGMENT

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

We have heard Mr. Karthik Ranganathan, learned Senior Standing Counsel for the appellant/Revenue and Mr. N.,V. Balaji 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 08.04.2015 made in I.T.A.No.2362/Mds/2014 on the file of the Income Tax Appellate Tribunal, Chennai, ''B'' Bench (for brevity, the Tribunal) for the Assessment Year 2007-2008.

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

> " Whether in the facts and circumstances of the case, the appellate Tribunal was right in holding that the addition made under section 2 (22) of the Income Tax Act, 1961, is restricted to Rs.35,51,333/- only, when the assessee received rs.98,10,990/- as advances, from the company?"

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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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 Income Tax Appellate Tribunal,
   Chennai, ''B'' Bench

2. The Commissioner of Income Tax,
   (Appeals) - IV,
   Chennai.

3. The Assistant Commissioner of Income Tax,
   Company Circle-II(4, Chennai.

+1cc to Mr.N.V.Balaji, Advocate, S.R.No.20353

T.C.A.No1079 of 2015

AJB(CO)
RN(03/05/2021)