IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R. HEMALATHA

T.C.A.No.12 of 2015

Commissioner of Income Tax,
Chennai. ... Appellant/Appellant

Vs.

Smt.Padmapriya
No.152, KKR Gardens, II Cross St.,
Thapalpetti, Madhavaram,
Chennai – 600 060. ... Respondent/Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "D" Bench, dated 02.05.2014 in I.TA.No.1892/Mds/2013, Assessment Year 2009-10 against the order of the Commissioner of Income Tax (Appeals)IV, Chennai. Dated 18/04/2013 in I.T.A.No.557 of 2011 to 2012 pertaining to Assessment year 2009 to 2010 against the order of Income Tax Officer, Business Ward-XI(4), Chennai. Dated 29/12/2011 in PAN.No.AJDPP9163H.

For Appellant : Mr.J.Narayanaswamy
Senior Standing Counsel

Respondent : Notice served

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

We have heard Mr.J.Narayanaswamy, learned Senior Standing Counsel for the appellant/Revenue.

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 02.05.2014 made in I.TA.No.1892/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai, "D" Bench (for brevity, the Tribunal) for the Assessment Year 2009-10.

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

> "1.Whether on the facts and in the circumstances of the case the Tribunal was right in deducting the entire addition of unexplained cash credit of Rs.2,83,92,116/- when the assessee had not produced necessary details and explained the credit?
>
> 2.Whether in the facts and in the circumstances of the case the Tribunal was right in deleting the entire addition of unexplained cash credit of Rs.2,83,92,116/- based on th evidences filed before the CIT (A) without giving opportunity to the assessing officer under Rule 46A?"

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 questions of law framed are 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

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To

1. The Income Tax Appellate Tribunal,
"D" Bench
Chennai,

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

3. The Income Tax Officer,
Business Ward XI(4),
Chennai.

SRA(CO)
HS(09/08/2021)