IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.03.2021
CORAM
THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI
T.C.A.No.123 of 2013

Commissioner of Income Tax,
Madurai. ... Appellant

Vs.

M/s.Ashtalakshmi Logistics,
51/8-H-1,
Muniasamypuram Extension,
2nd Street, Tuticorin ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "A" Bench, dated 27.11.2012 in I.TA.No.1789/Mds/2012, Assessment Year 2008-09 against the order of the commissioner of Income Tax Appeals I Madurai dated 25.06.12 ITA No.0093/10-11 PAN GIR No.AALFA5553H in the assessment year 2008-2009, against the order of the Income Tax officer Ward I (1)Tuticorin dated 11.11.2010 PAN GIR No.AALTA5553H in the assessment year 2008-09.

For Appellant : Mr.M.Swaminathan
Senior Standing Counsel
and Mrs.V.Pushpa
Standing Counsel

For Respondent : Ms.Sri Niranjani Srinivasan

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

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel and Mrs.V.Pushpa, learned Standing Counsel for the appellant/Revenue and Ms.Sri Niranjani Srinivasan, 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 27.11.2012 made in I.TA.No.1789/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai, "A" Bench (for brevity, the Tribunal) for the Assessment Year 2008-09.

3.The appeal was admitted on 20.03.2013 on the following substantial questions of law:

> "1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in interpreting the words "amount payable" in Section 40(a)(ia) as

amount payable on the last date of accounting year?

2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in law in holding that the TDS provision under Section 194C would not be applicable on the amounts made during the whole of the accounting year?"

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 III)

/TRUE COPY/

Sub-Assistant Registrar

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To
1.The Income Tax Appellate Tribunal, Chennai, "A" Bench

2.The Commissioner of Income Tax,
Madurai.

3.The Income Tax Officer,
Ward I(1)
Tuticorin.
+1cc to Mr.M.SWAMINATHAN, ADVOCATE, SR.NO. 20962
+1cc to Mr.G.BASKAR, ADVOCATE, SR.NO. 20871

T.C.A.No.123 of 2013

MG(CO)
KKN 29.04.2021