IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

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

T.C.A.No.901 of 2013

Commissioner of Income Tax,
Central Circle,
Tiruchirapalli. ... Appellant

Vs.

Saroja & Others
L/H Narayanan (HUF)
6-C, Cauvery Nagar,
Near Railady,
Mayiladuthurai. ... Respondent

Tax Case Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai, "B" Bench, dated 23.04.2010 in I.T.(SS) No.11/Mds/2009, Block Assessment Year 01.04.1997 to 23.05.2003. Appeal against the order of the Commissioner of Income Tax (Appeals), Thiruchirapalli dated 30/12/2008 made in ITA.No.263/06-07

against the order of the Assistant Commissioner of Income Tax, Central Circle II, Tiruchirappalli dated 30/05/2005, made in u/s.143(3) of the Income Tax Act,1961.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel
and
Mrs.K.G.Usha Rani
Standing Counsel

For Respondent : No appearance

JUDGMENT

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

We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel, assisted by Mrs.K.G.Usha Rani, learned 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 23.04.2010 made in I.T.(SS)No.11/Mds/2009 on the file of the Income Tax Appellate Tribunal, Chennai, "B" Bench (for brevity, the Tribunal) for the Block Assessment Year 01.04.1997 to 23.05.2003.

3.The appeal was admitted on 07.08.2014 on the following substantial questions of law:

> "1.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the addition made on account of alleged deficit of stock of gold ?
>
> 2.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the addition on account of unaccounted purchase with reference to seized material?
>
> 3.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal was right in holding that disallowance made under Section 40A(3) was not proper?"

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/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

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To

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

2.The Commissioner of Income Tax,
Central Circle,
Tiruchirapalli.

3.The Commissioner of Income Tax(Appeals)
Thiruchirappalli

4.The Assistant Commissioner of Income Tax,
Central Circle-II, Tiruchirappalli

+1 cc to M/s.T.R.Senthilkumar Advocate sr11608/2021

T.C.A.No.901 of 2013

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