IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM :

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

T.C.A.No.961 of 2013

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

Vs.

M/s.Sengamala Thayar Educational Trust,
No.1, Main Road,
Sundarakottai Post,
Mannargudi. ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "C" Bench, dated 04.04.2013 in I.T.A.No.1743/Mds/2010, Assessment Year 2000-2001 as against the order dated 21.06.2010 of the Commissioner of Income Tax (Appeals) II in ITA No.109/06-07 and as against the assessment order dated 28.03.2006 by the Joint Commissioner of Income Tax, Chennai.

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

For Respondent : Mr.T.Vasudevan

J U D G M E N T
(Judgment was delivered by T.S. SIVAGNANAM, J.)

We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel and Mrs.K.G.Usha Rani, learned Standing Counsel for the appellant/Revenue and Mr.T.Vasudevan, learned counsel for the respondent/assessee.

2.The appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 ("the Act" for brevity) is directed against the order dated 04.04.2013 made in I.T.A.No.1743/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai, "C" Bench ("the Tribunal" for brevity) for the Assessment Year 2000-2001.

3.The appeal was admitted on 13.02.2014 on the following substantial questions of law:

> "1.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal is right in confirming the earning of huge agricultural income based on certificate for mere ownership of land without verifying the genuineness of the agricultural operations, detailed accounts and vouchers?
>
> 2.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal is right in holding that the assessee is eligible for exemption u/s.10(22) of the Act when the same was omitted from the statute with effect from 01.04.1999 hence no exemption can be allowed from the Assessment Year 2000-01.
>
> 3.Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal is right in holding that the assessee is eligible for exemption u/s.10(23C) of the Act when the assessee collect fees and receives donation with the purpose of making profit?"

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 II)

//True Copy//

Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
  Chennai, “C” Bench

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

3.The Commissioner of Income Tax Appeals-II,
  Chennai-34.

4.The Joint Commissioner of Income Tax,
  Chennai.

+1cc to Mr.T.R.Senthil Kumar, Sr St. Counsel Sr No.42217

T.C.A.No.961 of 2013

SVI(CO)
PR (21/09/2021)