IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.01.2021

CORAM:

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

T.C.A.No.1044 of 2014

Commissioner of Income Tax,
Ward I, Tirupur. ... Appellant

Vs.

M.Kandasamy ... 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 23.05.2014 in ITA.No.864/MDS/2014, Assessment Year 2009-10, against the order dt.26-02-14 of the Commissioner of Income Tax(appeals) II, Coimbatore in ITA.No.274/11-12 pertaining to Assessment year 2009-2010 against the order of the Income Tax Officer, Ward I(4), Tiruppur dt.30/12/2011 in PAN/GIR No.ADWPK0634K.

For Appellant : Ms.V.Pushpa, Standing Counsel for Mr.M.Swaminathan, Senior Standing Counsel

For Respondent : Ms.Sriniranjani Srinivasan for Mr.G.Baskar

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

We have heard Ms.V.Pushpa, learned Standing Counsel for the appellant - Revenue and Ms.Sriniranjani Srinivasan 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 23.05.2014 made in ITA.No.864/MDS/2014 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 22.12.2014 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 not considering the findings of the Commissioner of Income Tax (Appeals) that the property which is transferred in 22.12.2008 is still enjoyed by the Trust after a period of 5 years?

2)Whether on the facts and circumstances of the case, the Tribunal was justified in holding that there was no further requirement of cancellation of the deed on the basis of the Lok Adalat Award, which according to the Department, was not an award passed where the assessee is a party?

4.The learned 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 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

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Income Tax,
Ward I, Tiruppur.

3.The Commissioner of Income Tax(Appeals) II,
Coimbatore.

4.The Income Tax Officcer,
Ward I(4)
Tiruppur.

+1cc to M/s.G.Baskar, Advocate SR.1157
+1cc to M/s.M.Swaminathan, Advocate SR.1433

T.C.A.No.1044 of 2014

SRA(CO)
CB(22/02/2021)