IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

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

T.C.A.NO.112 OF 2014

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

Vs.

(Late) Dr.Shamsheer,
Director of M/s.Medimark Consultants (India) Pvt.Ltd.,
By L/H Mrs.Khamar Shamsheer & Shri Quizar Shaik,
54, L.B. Road, Adyar,
Chennai – 600 020. ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, “B” Bench, dated 31.01.2013 in I.TA.No.564/Mds/2011, Assessment Year 2005-06.

Against the Order of the Commissioner of Income Tax (A) in ITA.No.44/09-10 dated 16.12.2010 in PAN/GIR.No.ABJPS9879B against the proceedings of the Income Tax Officer, Company Ward IV(1), Chennai dated 26.06.2009 under section 271(1) (C) of Income Tax Act, 1961 against the Assessment order of the Income Tax officer Company Ward IV(1) Chennai-34 dated 19.12.2008.

For Appellant : Mr.Karthik Ranganathan
Standing Counsel

For Respondent : No appearance

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

We have heard Mr.Karthik Ranganathan, 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 31.01.2013 made in I.TA.No.564/Mds/2011 on the file of the Income Tax Appellate Tribunal, Chennai, "B" Bench (for brevity, the Tribunal) for the Assessment Year 2005-06.

3.The Revenue has raised the following substantial question of law for consideration in the above appeal:

> "Whether under the facts and circumstances of the case, the Tribunal has right in upholding the order of the Commissioner of Income Tax (Appeals) directing the assessing officer to delete the penalty levied on the assessee under Section 271(1)(c) of the Income Tax Act?"

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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect. The substantial question of law framed is 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 VI)

//True Copy//

Sub Assistant Registrar

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To

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

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

3. The Income Tax Officer,
   Company Ward -IV(1), Chennai-34.

T.C.A.No.112 of 2014

PPA(CO)
CS/18/03/2021