IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

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

T.C.A.No.409 of 2014

Commissioner of Income Tax,
Trichy. ... Appellant/Appellant

Vs.

Shri S. Baskaran,
No.21, Pushpak Nagar,
Ammamandapam Road,
Srirangam, Trichy 620 005. ... Respondent/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 30.12.2013 in I.T.A.No.926/Mds/2013, Assessment Year 2009-10. against the order oc Commissioner of income Tax (Appeals), Tiruchirappalli, in ITA No.285/11-12 dt. 24.01.2013 for the assessment year 2009-10, and against the order of the joint commissioner of Income Tax Range -I Trichy in PA No. AAEP132858F dt.30.12.2011 for ht assessment year 2099-10.

For Appellant : Mr.M.Swaminathan
Senior Standing Counsel

For Respondent : Mr.M.Kaushik
for Mr.S.Sridhar

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

We have heard Mr.M.Swaminathan, learned Senior Standing Counsel for the appellant/Revenue and Mr.M.Kaushik for Mr.S.Sridhar, 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 30.12.2013 made in I.TA.No.926/Mds/2013 on the file of the Income Tax Appellate Tribunal, Chennai, "B" Bench (for brevity, the Tribunal) for the Assessment Year 2009-10.

3.The appeal was admitted on 03.12.2014 on the following substantial question of law:

> "Whether the Tribunal has misdirected itself in holding that it is a case not falling under Section 69 of the Income Tax Act?"

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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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 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

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Income Tax, Trichy.

3.The Joint Commissioner of Income Tax Range-I, Trichy.

+1 cc to Mr. M.Smaminathan, Advocate Sr No. 18131

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AAB(CO)
RG.22.04.2021(2P/5C)