IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.9.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

TAX CASE APPEAL NO.646 OF 2014

Commissioner of Income
Tax, Coimbatore ...Appellant/Respondent

Vs

Shri Chaganlal Lalji Aswin ...Respondent/Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 18.3.2013 made in ITA.No.1054/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench for the assessment year 2007-08.

Against the order of the Commissioner of Income Tax I Coimbatore dated 27.03.2012 in F.No.120 (12) 263 CLA/CIT-1 CBE/11-12 for assessment year 2007-2008.

Against the order of the Income Tax Appellate Tribunal 'A' Bench, Chennai, dated 18.10.2011 in ITA No.857/MDS/2011 for the assessment year 2007-2008.

Against the order of the Commissioner of Income Tax Appeals -I, Coimbatore dated 28.02.2011 in Appeal No 173/2009-2010 for the assessment year 2007-2008

Against the order of the Income Tax Officer ward III(3), Coimbatore dated 30.12.2009, PAN.NO.ACLPA53621 for the assessment year 2007-2008.

For Appellant : Mr.T.R.Senthilkumar, SSC & Ms.K.G.Usharani, SC

For Respondent : Mr.R.Sivaraman

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.R.Senthilkumar, learned Senior Standing Counsel and Ms.K.G.Usharani, learned Standing Counsel for the appellant - Revenue and Mr.R.Sivaraman, learned counsel appearing for the respondent.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) is directed against the order dated 18.3.2013 made in ITA.No.1054/Mds/2012 on the file of the Income Tax Appellate Tribunal, Chennai 'C' Bench (for brevity, the Tribunal) for the assessment year 2007-08.

3. The appeal has been admitted on 15.9.2014 on the following substantial question of law :

> "Whether, under the facts and circumstances of the case, the Income Tax Appellate Tribunal was correct in holding that the Commissioner of Income Tax has exceeded his jurisdiction under Section 263, since the issue has already been adjudicated by the two Appellate Authorities and therefore, the Commissioner's order is bad in law?"

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 08.8.2019 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 question of law framed is left open. In the event the tax effect 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

RS

To

1.The Income Tax Appellate Tribunal,
Rajaji Bhavan, Besant Nagar,
Chennai 'C' Bench.

2.The Commissioner of Income Tax-I,
63A Race Course,
Coimbatore.

3.The Income Tax Appellate Tribunal 'A' Bench
Chennai.

4.The Income Tax Officer Ward III(3)
Coimbatore .

5.The Commissioner of Income Tax Appeals-I,
Coimbatore.

+1cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.44846

TCA.No.646 of 2014

MG(CO)
PM/24/09/2021