IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.06.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

T.C.A.No733 of 2014

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

v.

M/s. Nippo Batteris Co. Ltd.,
Pottipatti Plaza, 4th Floor,
77, N.H. Road,
Chennai – 600 003. ... 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 18.08.2010 in ITA.No.819/Mds/2010 for the Assessment Year 2000-2001, filed against the order dated 26.03.2010 passed by the Commissioner of Income Tax-III Chennai in C.No.3033/7/111/2009-10 preferred against the assessment order of Assessment Officer / Assistant Commissioner of Income Tax, Company Circle IV (4), Chennai-34 dated 14.12.2007 in PAN No.AAAC122912L, for the assessment year 2000-2001.

For Appellant : Mr. Karthik Ranganathan,
Senior Standing Counsel

For Respondent : Mr. Venkatnarayanan

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

We have heard Mr. Karthik Ranganathan, learned Senior Standing Counsel for the appellant/Revenue and Mr. Venkatnarayanan, 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 18.08.2010 made in ITA.No.819/Mds/2010 on the file of the Income Tax Appellate Tribunal, Chennai, "C" Bench (for brevity, the Tribunal) for the Assessment Year 2000-2001.

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

> " Whether on the facts and in the circumstances of the case and law the Income Tax Appellate Tribunal was right in law in quashing the order of the Commissioner of Income Tax passed u/s. 263 of the Income Tax Act?"

4. The learned Senior Standing Counsel appearing 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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

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

2.The Commissioner of Income Tax
Chennai - III, Chennai.

3.The Commissioner of Income Tax Company Circle IV (4)
Chennai - 34.

+1cc to M/s.Subbaraya Aiyar Padmanabhan & Ramamani, Advocates
(SR No.27814)

T.C.A.No733 of 2014

GMI (CO)
PR (27/07/2021)