IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

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

T.C.A.Nos.819 and 820 of 2014

Commissioner of Income Tax,
Chennai. ...Appellant in all appeals

Vs.

M/s.Silver Shoes Pvt. Ltd.,
T-62, Anna Nagar,
Chennai – 600 040. ...Respondent in all appeals

Tax Case Appeals in T.C.A.Nos.819 and 820 of 2014 preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "D" Bench, dated 12.09.2011 in I.T.A.Nos.107/Mds/2009 and 979/Mds/2009, respectively for the Assessment Years 1993-94 and 1994-95 respectively.

Against the Appellate order of the Commissioner of Income Tax (Appeals)-IX, Chennai dated 06.11.2008 made in I.T.A.Nos.260/2006-2007 and the Assessment year 1994-1995 against the appellate order of the Commissioner of Income Tax (Appeals)V, Chennai dated 04.06.2008 made in I.T.A.Nos.259/2006-2007 year of Assessment 1993-1994 against the order of the Income Tax Officer, Company Circle VI(3) Chennai dated 31.03.2006 made in G.J. No. S1-193/1994-1995 and G.J. No. S1-193/1993-1994.

For Appellant : Mr.J.Narayanaswamy
Senior Standing Counsel
in all appeals

For Respondent : Mr.M.Kaushik
for Mr.S.Sridhar
in all appeals

C O M M O N J U D G M E N T

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

We have heard Mr.J.Narayanaswamy, learned Senior Standing Counsel for the appellant/Revenue and Mr.M.Kaushik for Mr.S.Sridhar, learned counsel for the respondent/assessee.

2.The above appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act), are directed against the order dated 12.09.2011 made in I.T.A.Nos.107/Mds/2009 and 979/Mds/2009, on the file of the Income Tax Appellate Tribunal, Madras, "D" Bench (for brevity, the Tribunal) for the Assessment Years 1993-94 and 1994-95 respectively.

3.The above appeals were admitted on 10.11.2014 on the following substantial question of law:

> "Whether under the facts and circumstances of the case, the Income Tax Appellate Tribunal was correct in deleting the penalty, imposed by the Assessing Officer on the assessee under Section 271(1)(c) of the Income Tax Act, 1961?"

4.The learned Senior Standing Counsel for the appellant submits that the above appeals are 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 these cases is less than the threshold limit.

5.In the light of the said submissions, the above Tax Case Appeals are 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 these cases 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 above appeals to be heard and decided on merits. No costs.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
Madras, “D” Bench.

2.The Commissioner of Income Tax,
Chennai.

3.The Commissioner of Income Tax (Appeals)IX
Chennai

4.The Commissioner of Income Tax (Appeals)V
Chennai

5.The Income Tax Officer
Company Circle VI(3)
Chennai

+1 CC to Mr.S.Sridhar, Advocate sr 30424.

T.C.A.Nos.819 and 820 of 2014

RLD(CO)
SP(23/07/2021)