IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

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

T.C.A.No.154 of 2017

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

Vs.

M/s.Harshad V Doshi
3H, Century Plaza
No.560, Anna Salai, Teynampet,
Chennai - 600 018. ... 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 18.03.2016 in I.T.A.No.2061/Mds/2015, Assessment Year 2007 to 2008 made against the proceedings of the commissioner of Income Tax (Appeals), Chennai in I.T.A.No.247 of 2013 to 2014 and I.T.A.No.155 of 2013 to 2014 for the assessment year 2007 to 2008 Dated 31/07/2015, against The Deputy Commissioner of Income Tax, Company Circle I(4), Chennai Dated 13.03.2013 for the assessment year 2007 to 2008 in PA/GIR.No.AADPD7995E.

For Appellant : Mr.T.Ravi Kumar
Senior Standing Counsel

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

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

We have heard Mr.T.Ravi Kumar, 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 18.03.2016 made in I.TA.No.2061/Mds/2015 on the file of the Income Tax Appellate Tribunal, Chennai, “B” Bench (for brevity, the Tribunal) for the Assessment Year 2007-08.

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

> “Whether the Tribunal was right in holding that the advances received by the Director will not attract the provisions of Section 2(22)() 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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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(L.A)

//True Copy//

Sub Assistant Registrar

mkn

To
1. The Income Tax Appellate Tribunal, Chennai, “B” Bench

2. The Commissioner of Income Tax (Appeals)
   Chennai.

3. The Deputy Commissioner of Income Tax,
   Company Circle I(4), Chennai.

+1cc to Mr.T.Ravi Kumar, Advocate, S.R.No.33797

T.C.A.No.154 of 2017

AK-II(CO)
HS(06/08/2021)