IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.03.2021

CORAM:

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

T.C.A.No.309 of 2017

The Commissioner of Income Tax,
Ward – I, Tuticorin. ... Appellant

Vs.

M/s.Diamond Shipping Agencies Private Limited,
A-4, Diamond House,
World Trade Avenue, Harbour Estate,
Tuticorin – 628 004. ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras, "A" Bench, dated 25.11.2016 in I.TA.No.2432/Mds/2016 Assessment Year 2013-14. filed against the order of the commissioner of income tax (appeals)-1, Madurai passed in ITA No.223/2015-16 dated 13/05/2016 preferred against the assessment order dated 22/03/2016 passed by the Deputy commissioner of Income Tax, Circle -I, Tuticorin for Pan No. AACD6487H for the assessment year 2013-2014.

For Appellant : Ms.V.Pushpa,
Standing Counsel
For Respondent : Ms.Sriniranjani Srinivasan

JUDGMENT

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

We have heard Ms.V.Pushpa, learned Standing Counsel for the appellant/Revenue and Ms.Sriniranjani Srinivasan, 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 25.11.2016 made in I.TA.No.2432/Mds/2016 on the file of the Income Tax Appellate Tribunal, Chennai, "A" Bench (for brevity, the Tribunal) for the Assessment Year 2013-14.

3.The appeal was admitted on 11.07.2017 on the following substantial question of law:

"Whether the container freight station

constitutes an "Inland Port" and entitled to deduction under Section 80IA(4) of the Income Tax Act, 1961?"

4.The learned 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 these cases are 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5.In the light of the said submissions, the above Tax Case Appeal is dismissed as withdrawn on account of the Low Tax Effect.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, "A" Bench

2.The Commissioner of Income Tax, Ward I, Tuticorin.

3.The Commissioner of Income Tax(Appeals)-I, Madurai.

4.The Deputy Commissioner of Income Tax, Circle I, Tuticorin.

Copy to : The Section Officer
VR Section , High Court Madras.
+1 cc to M/s.G.Baskar, Advocate Sr.No. 19440

T.C.A.No.309 of 2017

GMI(CO)
RMP(12/05/2021)