IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

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

T.C.A.NOS.302 TO 305 OF 2014

Commissioner of Income Tax,
Central Circle II,
Madurai. ... Appellant in all appeals

Vs.

Shri (Late) KASS
RAVI L/R of Late KAS SEKAR
No.9, Nadar Vidyasalai Street,
South Gate, Madurai. ... Respondent in all appeals

Tax Case Appeals in T.C.A.Nos.302 to 305 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 23.09.2013 in I.T.A.Nos.1415/Mds/2012, 1416/Mds/2012, 1417/Mds/2012, 1418/Mds/2012, respectively for the Assessment Years 2000-01, 2002-03, 2004-05, 2005-06 respectively.

Against the Order passed by the Commissioner of Income Tax (Appeals)-II, Madurai, dated 30.03.2012 made in ITA.No.25/10-11 to 25/10-11.

Against the Order passed by Deputy Commissioner of Income Tax, Central Circle II, Madurai made in PAN.No.AJIPS9411N dated 28.12.2007 for the Assessment year 2000-01, 2002-03, 2004-05 & 2005-06 repectively.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel
in all appeals

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

COMMON JUDGMENT

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

We have heard Mr.T.R.Senthil 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 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 23.09.2013 made in I.T.A.Nos.1415/Mds/2012, 1416/Mds/2012, 1417/Mds/2012, 1418/Mds/2012, on the file of the Income Tax Appellate Tribunal, Madras, "D" Bench (for brevity, the Tribunal) for the Assessment Years 2000-01, 2002-03, 2004-05, 2005-06 respectively.

3.The above appeals were admitted on 22.08.2014 on the following substantial questions of law:

> "1.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the penalty levied under Section 271 (1)(c)?
>
> 2.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the penalty u/s.271(1)(c) ignoring the fact tha thte assessee in his original return of income as well as in the return of income filed u/s.153-A has not furnished any particulars regarding his real estate business income and such material fact came to light only during the course of search?
>
> 3.Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in deleting the penalty u/s.271(1)(c) when the assessee has failed to disclose his real estate business income in his hands?"

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 questions of law framed are 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.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
Madras, "D" Bench.

2. The Commissioner of Income Tax,
Central Circle II,
Madurai.

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

4. The Deputy Commissioner of Income Tax,
Central Circle-II, Madurai.

+1cc to Mr.T.R.Senthil Kumar, Advocate, S.R.No.17821

T.C.A.Nos.302 to 305 of 2014

LN(CO)
CS/27/04/2021