IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Tax Case Appeal No.1416 of 2010

Commissioner of Income Tax – IV
Chennai. ...Appellant

-vs-

M.N.Rajaraman
6, Vidyodaya First Cross Street,
T.Nagar, Chennai - 600 017. ...Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order dated 23.04.2010 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, Chennai in I.T.A.No.2141/Mds/2008, for the Assessment year 1999-2000, against the order dated 21.07.2008 made in ITA.NO.21/08-09 on the file of the commissioner of Income Tax(Appeals)VI, Chennai-34 for the assessment year 1999-2000 against the order dated 30/11/2006 on the file of the Commissioner of Income Tax(Appeals)-I, Chennai-34 PAN/GIR No.AAAPR6451J for the assessment year 1999-2000 against the order dated 09/08/2006 made in PAN/GIR No.AAAPR6451J on the file of the Income Tax Department Chennai-34 for the assessment year 1999-2000.

For Appellant : Mr.J.Narayanasamy

For Respondent: Mr.N.Quadir Hoseyn

JUDGMENT
(Judgment was delivered by R. MAHADEVAN, J.)

This tax case appeal has been filed by the appellant / Revenue, calling in question the correctness of the order dated 23.04.2010 passed by the Income Tax Appellate Tribunal, 'B' Bench, Chennai, in I.T.A.No.2141/Mds/2008, relating to the assessment year 1999 – 2000.

2.On 01.02.2011, this Tax Case Appeal was admitted on the following substantial questions of law:-

> "1. Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that the Assessing Officer has not recorded the requisite satisfaction under Section 153C of the Income Tax Act before the issue of notice under the said section and therefore the assessment was bad in law?
>
> 2. Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in coming to the conclusion mentioned in the preceding question when the Assessing Officer of the person in whose case the search was conducted and the person to whom the notice under Section 153C was one and the same?"

3.When the matter was taken up for consideration, the learned counsel for the appellant / Revenue brought to the notice of this court the Circular No.17/2019 dated 08.08.2019 issued by the Central Board Direct Taxes, wherein, it is stipulated that appeals shall not be filed/pursued by the Department before the High Court in cases where the tax effect does not exceed Rs.1,00,00,000/- (Rupees One Crore). It is also submitted that the tax effect in this appeal is less than the threshold limit.

4.In the light of the aforesaid submissions made by the learned counsel for the appellant / Revenue, the present appeal, wherein, the tax effect is said to be less than the monetary limit imposed, is dismissed as withdrawn, keeping open the substantial questions of law for determination in an appropriate case. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

gba/msr

To

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

2.The Commissioner of Income Tax(Appeals)-I,
Chennai-34.

3.The Commissioner of Income Tax(Appeals)-VI,
No.121, M.G.Road,
Chennai – 34.

4.Government of India,
Income Tax Department,
Central Circle-I(3)
108, M.G.Road, Chennai-34.

+1cc to Mr.N.Quadir Hoseyn, Advocate SR.No.15411

Tax Case Appeal No.1416 of 2010

GMR(CO)
CB(04/04/2022)