IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM :

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

T.C.A.Nos.32 of 2010 and 321 & 322 of 2007

Commissioner of Income Tax -IV
Chennai. ... Appellant/ Appellant in TCA.No.32 of 2010

Commissioner of Income Tax
Chennai. ... Appellant/ Appellant in TCA.Nos.321 & 322 of **2007**

Versus

Shriram Investments,
Old No.8/1, New No.19,
Devanathan Street,
R.A.Puram,
Chennai 600 028. ... Respondent/Respondent in TCA.No.32 of 2010

M/s.Shriram Investments,
Mookambika Complex,
4, Lady desika Road,
Mylapore, Chennai. ... Respondent/Respondent in TCA.No.321 & 322 of **2007**

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai, “B” Bench, dated 14.07.2009 & 21.04.2006 in I.TA.Nos.2069/Mds/2008, 1124/Mds/01 and 1125/Mds/01 for the assessment years 2005-06, 1999-2000 and 2000-01.

Prayer in TCA 32 of 2010:

against the order of the Commissioner of Income Tax (Appeals)-VI, Chennai-600 034 made in ITA 269/07-08 dated 11.06.2008 against the order of the Joint Commissioner of Income Tax, Business Range-I, Chennai-34 made in PAN/GI No.AAAFS2590M for the Assessment Year 2005-06 dated 27/12/2007.

Prayer in TCA No.321 and 322 of 2007:

against the order of the Commissioner of Income Tax (A) IX, Chennai made in ITA No.232 and 233/2000-2001 dated 26.04.2001 for the Assessment Years 1999-2000 and 2000-2001.

against the order of Joint Commissioner of Income Tax, Special Range II, Chennai-34 made in PAN 329-S for the Assessment Year 2000-2001 dated 22.02.2001,

against the order of Joint commissioner of Income Tax, Special Range II, Chennai made in 327-S for the Assessment Year 1999-2000 dated 22.02.2001.

For Appellant : Mr.J.Narayanaswamy in all TCAs

For Respondent : Mr.R.Sivaraman in all TCAs

COMMON JUDGMENT

(Judgment of the Court was delivered by R.MAHADEVAN, J.)

These tax case appeals have been filed by the appellant / Revenue, challenging the orders dated 14.07.2009 & 21.04.2006 passed by the Income Tax Appellate Tribunal, Bench 'B', Chennai, in I.T.A.Nos.2069/Mds/2008, 1124/Mds/01 and 1125/Mds/01, relating to the assessment years 2005-2006, 1999-2000 and 2000-2001.

2.By orders dated 09.04.2007 and 25.01.2010, this court admitted the aforesaid tax case appeals on the following substantial question of law:

> “Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that credit had to be given in respect of the tax deducted at source as shown in the certificate of tax deducted at source, for which the assessee had not returned the corresponding income for the assessment year under consideration?”

3.When the matters were taken up for consideration, the learned counsel for the appellants / 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 these appeals is less than the threshold limit.

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

SD/-
ASSISTANT REGISTRAR
Dated:10/03/2022

(*)Corrected order to be issued
Sd/-
Sub Assistant Registrar
Dated:06/04/2022

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vkr

To

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

2. The Commissioner of Income Tax – IV,
Chennai.

3.The Commissioner of Income Tax,
Chennai.

4.The Commissioner of Income Tax, (A)IX,
Chennai.

5.The Joint Commissioner of Income Tax,
Business Range-1,
Chennai-34.

To be substituted
To the order
already despatched
on 21/03/2022

6.The Commissioner of Income Tax Appeals VI,
Chennai.

7.The Joint Commissioner of Income Tax,
Special Range II,
Chennai-34.

8.The Record Keeper,
VR Section,
High Court,
Madras.

T.C.A.Nos.32 of 2010 and 321 & 322 of 2007

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srg 11/03/2022

srg 06/04/2022