IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

T.C.A.Nos.698 to 702 of 2011

Commissioner of Income Tax
Chennai. ...Appellant in all TCAs

Versus

M.P. Purushothaman ...Respondent in all TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the common order of the Income Tax Appellate Tribunal,"B" Bench, Chennai, dated 22.02.2008 in I.T.A.Nos.25, 18, 26, 19 and 27/Mds/2007 against the order of the Commissioner of Income Tax Appeals-I, Chennai -600 034 dated 23.10.2006, 20.10.2006, 18.10.2006 made in I.T.A.No.30/06-07, 31/06-07, 33/06-07 PAN.AGMPP4159R and for the Assessment year 2004-2005, 2003-2004, 1989-99 and against the order of the Assistant Commissioner of Income Tax, Central Circle-1(2)(i/c) chennai PAN/GIR/No.AGMPP4159R Range Central Circle 1(2), Chennai status Individual for the Assessment year 2004-2005, 2003-2004, 1989-99 respectively.

For Appellant : Mr.Karthik Ranganathan
Standing Counsel in all TCAs

For Respondent : Mr.S.Sridhar 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 common order dated 22.02.2008 passed by the Income Tax Appellate Tribunal, Chennai, 'B' Bench, in I.TA.Nos. 25, 18, 26, 19 and 27/Mds/2007, relating to the assessment years 1998-99, 2003-04, 2003-04, 2004-05 and 2004-2005 respectively.

2.By order dated 12.06.2012, this court admitted the aforesaid tax case appeals on the following substantial questions of law:

T.C.A.No. 698 of 2011:

> "Whether on the facts and circumstances of the case, the Tribunal was right in deleting the addition of Rs.74 lakhs under the head unexplained investment under Section 69 when there is a prima facie finding from the materials seized, and the same being affirmed by the sworn statement of the witness-cum-the recipient of money involved?"

T.C.A.Nos.699 and 700 of 2011:

> "(i) Whether on the facts and circumstances of the case, the Tribunal was right in deleting the addition made by the Assessing Officer towards alleged investment on unexplained gold jewellery?
>
> (ii) Whether on the facts and circumstances of the case, the Tribunal was right in deleting the addition made under the head income from house property when the assessee has not substantiated the lowering of the rent?"

T.C.A.Nos.701 and 702 of 2011:

> "(i) Whether on the facts and circumstances of the case, the Tribunal was right in holding that the cash found in the possession of the assessee is not his undisclosed income, when the assessee has not satisfactorily explained the source?
>
> (ii) Whether on the facts and circumstances of the case, the Tribunal was right in deleting the addition made under the head income from house property when the assessee has not substantiated the lowering of the rent?"

3.When these matters were 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 appeal 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 appellant/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 questions of law for determination in appropriate cases. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

psa/av

To

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

2. The Commissioner of Income Tax,
   Chennai.

3. The Assistant Commissioner of Income Tax,
   Central Circle 1 (2) (i/c), Chennai - 600 034.

4. The Commissioner of Income Tax (Appeals) - 1,
   Chennai.

+1cc to M/s.S.Sridhar, Advocate, S.R.No.34441

T.C.A.Nos.698 to 702 of 2011

AD(CO)
RGA(12/07/2022)