IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

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

T.C.A.Nos.849 & 850 of 2016
and
CMP.Nos.19326 & 19327 of 2016

Principal Commissioner of Income Tax Central - I
No.108, Mahatma Gandhi Road,
Chennai 600 034. ... Appellant in both TCAs

Versus

M/s. South India Corporation Ltd.,
No.603, Rani Seethai Hall,
Anna Salai, Chennai.
PAN:AAD CS 3193 C ... Respondent in both TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the common order of the Income Tax Appellate Tribunal, Cochin Bench, dated 17.02.2016 in I.TA.Nos.231 & 232/COCHIN/2015, against the order of Commissioner of Income Tax(Appeals)-1, Kochi, dated 08.01.2015

1. CIT(Appeals)order in ITA.No.48/R-4/E/CIT(A)1 11-12 for the A.Y.2009-10
2. CIT(Appeals)order in ITA.No.24/R-4/CIT(A)-1 12-13 for the A.Y.2010-11.

I. Income Tax, Joint Commissioner of Income Tax, Range-4, Kochi dated 29/12/11 in PAN.No.AAADCS3193C

II. Income Tax, Joint Commissioner of Income Tax, Range-4, Kochi dated 15/02/2013 in PAN.No.AAADCS3193C

For Appellant :Mr.J.Narayanasamy
Standing Counsel in both TCAs

For Respondent :Mr.A.S.Sriram
for Mr.S.Sridhar in both 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 17.02.2016 passed by the Income Tax Appellate Tribunal, Cochin Bench, Chennai, in I.T.A.Nos.231 & 232/COCHIN/2015, relating to the assessment years 2010 - 11 and 2011-12.

2. By order dated 25.01.2017, 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 and in law, the Appellate Tribunal was correct in remitting the issue of disallowance under section 14A of the Income Tax Act to the file of the Assessing Officer with the directions to re-compute the same in a specific manner which is not in consonance with the provisions contained in Rule 8D of the Income Tax Rules, 1962?

3.When the 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 question of law for determination in appropriate cases. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Cochin Bench, Chennai,

2. Principal Commissioner of Income Tax Central - I
   No.108, Mahatma Gandhi Road,
   Chennai 600 034.

3. The Deputy Commissioner of Income Tax
   Central Circle 3(2),
   Chennai.

4. The Additional Commissioner of Income Tax,
   Range-4, Kochi.

5. The Joint Commissioner of Income Tax,
   Range-4, Kochi.

+1cc to Mr.S.Sridhar, Advocate SR.No.35434

T.C.A.Nos.849 & 850 of 2016
and
CMP.Nos.19326 & 19327 of 2016

SKM(CO)
CB(27/07/2022)