IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM :

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

T.C.A.Nos.353 to 356 of 2014 &
M.P.Nos.1 to 1 of 2014

Commissioner of Income Tax,
Media Ward,
Chennai. ... Appellant in all TCAs

Versus

Smt.Sowcar Janaki,
C/o.S.R. & Co., CAs
15/7, Noor Veerasamy Lane,
Nungambakkam,
Chennai – 600 034.

PAN:AQMPS 2940M ... 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, Chennai "D" Bench, dated 29.08.2013 in I.T.A.Nos.615/MDS/2012, 972/MDS/2012, 616 & 617/MDS/2012.

For Appellant in
all TCAs' : Ms.S.Premalatha

For Respondent in
all TCAs' : Mr.N.V.Balaji

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 29.08.2013 passed by the Income Tax Appellate Tribunal, 'D' Bench, Chennai, in I.T.A.Nos.615/MDS/2012, 972/MDS/2012, 616 & 617/MDS/2012, relating to the assessment years 2003-04, 2003-04, 2004-05 and 2005-06 respectively.

2. By order dated 15.06.2015, this court admitted the aforesaid tax case appeals on the following substantial questions of law:

T.C.A.Nos.353 & 354 of 2014:-

"(i) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in holding that Section 50C cannot be invoked in the assessee's case in the absence of any material?

(ii) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in holding that Section 50C will not apply in the assesse's case even when there is deemed transfer and the Assessing Officer has adopted only the guideline value?"

(iii) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in holding that the assessee is eligible for indexation on the building when there is no cost for the building and the same was not forming part of the Agreement nor schedule of the property?

T.C.A.Nos.355 & 356 of 2014:-

"(i) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in holding that the reassessment were completed beyond th due date by adopting the date of service of notice under Section 148 on 18.03.2009?

(ii) Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal was right in holding that the reassessment were completed beyond the due date without noticing that the date of service of notice under Section 148 was on 28.05.2009 which falls on the next

financial year and the assessment were completed within the due date?"

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 questions of law for determination in appropriate cases. Consequently, connected miscellaneous petitions are closed. No costs.

(R.M.D., J.) (M.S.Q., J.)
04.07.2022

Internet : Yes
Index : Yes / No
r n s
To

1. The Income Tax Appellate Tribunal,
   'D' Bench, Chennai.

2. The Income Tax Officer,
   Media Ward-III,
   312, New Block,
   121, M.G.Road,
   Chennai – 34.

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

r n s

T.C.A.Nos.353 to 356 of 2014 &
M.P.Nos.1 to 1 of 2014

04.07.2022