IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

T.C.A.No.59 of 2024

Principal Commissioner of Income Tax
International Taxation, Chennai. .. Appellant

Vs.

M/s.Bengal Tiger Line Pvt. Ltd.
200 Cantontment Road, 1301
South Point, Singapore
PAN: AADCB 6864F .. Respondent

Prayer: Appeal filed under Section 260-A of the Income Tax Act, 1961, against the order of Income Tax Appellate Tribunal "B" Bench, Chennai dated 19.10.2023 passed in I.T.A.No.316/CHNY/2023.

For the Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel

For the Respondent : Mr.S.P.Chidambaram

JUDGMENT

(Order of the Court was made by R.SURESH KUMAR, J.)

The substantial questions of law raised in this tax case appeal are as follows:-

"1. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in law in holding that there is no tangible material for the assessing officer to form an opinion that income had escaped taxation?

2. Whether on the facts and circumstances of the case and in law, the Appellate Tribunal was right in law in holding that the statements recorded during survey do not constitute tangible material for the assessing officer to form an opinion that income had escaped taxation and that there is no reason to believe that income has escaped despite the evidences collected during the course of survey proceedings?

3. Whether on the facts and circumstances of the case and in law, the Appellate Tribunal was right in law in holding that there is no valid jurisdiction acquired by the AO?

4. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in law in adjudicating on merits even after quashing the assessment order on legal/technical grounds?

5. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in law in its observation that the DIT relief certificate u/s 172 of the Act is not provisional in nature?

6. Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in concluding that the documentation and vessel handling charges are not taxable in the hands of non-resident entity?

7. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in law in concluding that there is no income escapement on the issue of documentation and vessel handling charges?"

2. It is submitted by the learned Senior Standing Counsel appearing for the appellant Revenue that this matter is covered under the Low Tax Effect as per the recent Circular dated 17.09.2024, in Circular No.9/2024.

3. Hence, this appeal stands dismissed, as covered under the low tax effect and the substantial questions of law raised in this appeal are kept open to be decided at the later point of time. There shall be no order as to costs.

(R.S.K., J.) (C.S.N, J)
15.10.2024

Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
AND
C. SARAVANAN, J.

(drm)

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