IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

Tax Case Appeal No.1133 of 2015

The Commissioner of Income Tax IV
No.121, Mahatma Gandhi Road
Chennai 600 034. ... Appellant

Vs.

Shri K.Pandiarajan ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 12.06.2015 made in ITA No.54/Mds/2015.

For Appellant : Mrs.V.Pushpa
Senior Standing Counsel

JUDGMENT
(Delivered by R.SURESH KUMAR, J.)

This Tax Case Appeal has been filed by the Revenue calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'C' Bench, Chennai and the appeal was admitted on the following substantial question of law:

"(i) Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the order passed u/s.263 is not valid?

(ii) Whether on facts and circumstances of the case, the appellate Tribunal was correct in deleting penalty on the ground that assessee's tax case appeal is admitted by this Court would give rise to the presumption that the issue is debatable?"

2. It is brought to our notice by the learned Standing Counsel for the appellant Revenue that in the instant case, the tax effect is said to be less than the monetary limit imposed and therefore, the appeal filed by the Revenue can be disposed of, keeping the substantial questions of law raised in this appeal open for adjudication at a later point of time.

3. Recording the said submission, this Tax Case Appeal is dismissed for low tax effect, keeping open the substantial questions of law for adjudication at appropriate stage. No costs.

(R.S.K.,J.) (C.S.N.,J.)
01.10.2024

NCS : Yes/No
Index : Yes/No
KST

To

The Income Tax Appellate Tribunal
'A' Bench, Chennai.

R.SURESH KUMAR, J.

AND
C.SARAVANAN, J.

KST

T.C.A.No.1133 of 2015

01.10.2024