IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM :

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

T.C.A.Nos.1231 to 1233 of 2015

Commissioner of Income Tax
Trichy .. Appellant in all T.C.As

Vs.

Saranathan Academy of Higher Education
Venkateswara Nagar, Panjappur
Tiruchirapalli – 620 012. .. Respondent in all T.C.As

Prayer in T.C.A.No.1231 of 2015: Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal Madras "C" Bench, dated 30.04.2014 in I.T.A.No.1211/Mds/2013;

Prayer in T.C.A.No.1232 of 2015: Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal Madras "C" Bench, dated 30.04.2014 in I.T.A.No.1212/Mds/2013;

Prayer in T.C.A.No.1233 of 2015: Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal Madras "C" Bench, dated 30.04.2014 in I.T.A.No.1213/Mds/2013.

For the Appellant in all T.C.As : Mrs.V.Pushpa
Senior Standing Counsel

For the Respondent in all T.C.As : Mr.A.S.Sriraman

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

These tax case appeals were admitted by this Court on 20.01.2016 on the following substantial questions of law:-

> *"1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the reassessment proceedings initiated for the assessment year 2005-2006 is bad in law on the grounds that it was initiated after a period of four years from the end of the financial year when the notice under section 148 was issued well within the period of four years on 12.6.2009?*
>
> *2. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the reassessment proceedings initiated for the assessment year 2006-2007 and 2008-2009 is bad in law on the ground that there is no failure on the part of the assessee to furnish full and true particulars at the time of assessment and reassessment proceedings were not based on any fresh material when the explanations 1 to section 147 stipulates that mere furnishing of particulars at the time of return does not amount to full and true disclosure?*
>
> *3. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the reassessment proceedings initiated within the period of four years for the assessment year 2008-2009 is bad in law when no assessment under section 143(3) made and only an initiation*

> *under section 143(1) was passed and when the explanation 1 in section 147 which stipulates that mere furnishing of a particular at the time of return, cannot be treated as full and true disclosure of the assessee?"*

2. It is submitted by *Mrs.V.Pushpa*, learned Senior Standing Counsel appearing for the appellant Revenue that these Tax Case Appeals are covered under the Low Tax Effect as per the recent Circular dated 17.09.2024, in Circular No.9/2024.

3. Recording the same, these appeals stand dismissed as Low Tax Effect. The questions of law raised in these appeals 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)
05.11.2024

Neutral Citation:Yes/No

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

(drm)

T.C.A.Nos.1231 to 1233 of 2015

05.11.2024