IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

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

T.C.A.No.910 of 2015

The Commissioner of Income Tax,
Chennai. ... Appellant

-Vs-

M/s.Road Safety Club (P) Ltd.,
No.4, Lady Desika Chari Road,
Mylapore,
Chennai - 600 004.
PAN:AABCR9430K ... Respondent

PRAYER : Tax Case Appeal filed under Section 260 A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal 'A' Bench, Chennai dated 11.03.2015 in I.T.A.No.2957/Mds/2014 for the assessment year 2008-09.

For Appellant	:	Mrs.V.Puspha Senior Standing Counsel
For Respondent	:	Mr.R.Sivaraman

J U D G M E N T

(Judgment of the Court was 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, Chennai by raising 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 only 1/8th of the Membership fee received during the year should be treated as income of the assessee even though the assessee had been following mercantile system of accounting?*
2. *Whether on the facts and in the circumstances of the case the Tribunal was right in holding that the claim for deduction towards provisions made for safety bonus payable to Members is allowable even though no claim was allowed as a deduction?*
3. *Is not the finding of the Tribunal bad which upheld the order of CIT(A) wherein the Assessee claim for deduction insurance premiums paid was to be allowed over and above the sum debited to the profit and loss account?*

2. It is brought to our notice by the learned Senior Standing Counsel for

the appellant Revenue that in the instant case, as per the CBDT's Circular No.9 of 2024 dated 17.09.2024 the tax effect is said to be less than the monetary limit imposed and therefore, the appeal 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 aforesaid submission made by the learned Senior Standing Counsel for the appellant Revenue, this Tax Case Appeal is dismissed for low tax effect, keeping open the substantial questions of law for adjudication at appropriate stage. However, there shall be no order as to costs.

(R.S.K., J.) (C.S.N., J.)
29.10.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

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

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

vji

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