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.572 of 2016

The Commissioner of Income Tax
Mo.63, Race Course Road
Coimbatore. .. Appellant

Vs.

R.Krishnamoorthy
c/o. S.Sridhar, Advocate
112/1, Periyar Street
Erode – 1, PAN: ADW PK 0624 M .. Respondent

Prayer: Appeal filed under Section 260-A of the Income Tax Act, 1961, against the order of Income Tax Appellate Tribunal, Madras "D" Bench, Chennai dated 04.02.2015 passed in I.T.A.No.355/Mds/2014.

For the Appellant : Mr.Karthi Ranganathan
Senior Standing Counsel

For the Respondent : Mr.G.Guruprasath

JUDGMENT

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

The present tax case appeal was admitted on 29.08.2016 by this Court on the following substantial questions of law:-

"1. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in cancelling the penalty levied under Section 271(1)(c) for concealing the particulars of income?

2. Whether on the facts and circumstances of the case, the Appellate Tribunal was right in cancelling the penalty levied without considering Explanation 1 of Section 271(1)(c) of the Income Tax Act?"

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 arising 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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<u>R. SURESH KUMAR, J.</u>
<u>AND</u>
<u>C. SARAVANAN, J.</u>

(drm)

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