IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM

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

Tax Case Appeal No.216 of 2024

Commissioner of Income Tax
International Taxation Ward 1(2)
BSNL Building, Tower-1
4th Floor, Greams Road
Thousand Lights, Chennai 600 006. .... Appellant

Vs.

Shri.Rajamanickam Arulselvan .... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'C' Bench Chennai, dated 01.04.2024 made in I.T.A.No.479/Chny/2023.

For Appellant : Mr.Karthik Ranganathan
Senior Standing Counsel
For Respondent : Mr.N.V.Balaji

J U D G M E N T

(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 as well as in law, the Hon'ble ITAT was correct in dismissing the appeal of the revenue without the assessee producing any evidence of agricultural activity being undertaken on the land sold?*

2. *Whether on the facts and circumstances of the case and in law, the Hon'ble ITAT was justified in allowing the appeal of the assessee, ignoring the decision of the jurisdictional High Court of Madras rendered in the case of PCIT Vs. A.Lalichan [2019] 104 taxmann.com 30.*

3. *Whether on the facts and circumstances of the case and in law, the Hon'ble ITAT was justified in ignoring the judgment of the Hon'ble Supreme Court in the case of Sarifa Bibi Mohamed Ibrahim -vs- CIT 204 ITR 631 (SC) No.504/2018 and M/s.Ramnarain Sons Pvt Ltd., -vs- Commissioner of Income Tax, Bombay 41 ITR 534 SC?*

2. It is brought to our notice by the learned 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 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. No costs.

(R.S.K.,J.) **(C.S.N.,J.)**
21.10.2024

NCS : Yes/No
KST

To

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

R.SURESH KUMAR, J.

AND
C.SARAVANAN, J.

KST

T.C.A.No.216 of 2024

21.10.2024