IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10-02-2025**

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

TCA NO. 1157 of 2010

Commissioner Of Income Tax,
Chennai.

Appellant(s)

Vs

Shri.S.Asokan,
1/34, Pilliyar Koil St., Ayyappanthangal, Ch-56.

Respondent(s)

For Appellant(s):
M/s.T.Ravikumar
For Appellant
For Respondent(s):
M/s.G.Baskar

ORDER

S.S.SUNDAR, J.
and
C.SARAVANAN, J.

This appeal is directed against the formal order of the Income Tax Appellate Tribunal dated 15.03.2005 in ITA No. 742/Mds /02. In this appeal the appellant has raised the following substantial question of law to be answered;

"1.Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in allowing the claim of deduction under Section 80IB(10) when no completion certificate is issued to the assessee by the Local Authority?

2.Whether on the facts and circumstances of the case, the Appellate Tribunal was right in holding that assessee has complied with the requirements of Section 80IB(10)?

2. Learned counsel appearing for the appellant submitted that the amount involved in the present appeal is below the monetary limit as per the circulars issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes in Circular No. 5/2024 and 09/2024 dated 15.03.2024 and 17.09.2024 respectively.

3. In view of the aforesaid submissions made by the learned counsel for the appellant, the appeal is dismissed as withdrawn. However, the Substantial Question of Law is left open to be answered at an appropriate appeal. No costs.

(S.S.SUNDAR J.) (C.SARAVANAN J.)
10-02-2025

Index : Yes
kas

S.S.SUNDAR,J.)
and

C.SARAVANA

kas

TCA No.1157 of 2010

10-02-2025