IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE NONOURABLE MR.JUSTICE **C.SARAVANAN**

T.C.A. No.761 of 2013

The Commissioner of Income Tax
Chennai .. Appellant

Vs.

M/s.3i Infotech Limited
(J&B Software India P Ltd
Merged with 3i Infotech Limited)
Tower No.5, 3rd Floor to 6th Floor
International Infotech Park, Vashi
Navi Mumbai - 400 703 .. Respondent

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Prayer : Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, Chennai dated 07.05.2013 passed in I.T.A.21/Mds/2013.

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For Appellant : Mr.Karthik Ranganathan
Sr. Standing Counsel

For Respondent : Served. No Appearance

JUDGMENT

(delivered by S.S.SUNDAR, J.)

The above tax case appeal has been admitted on the following substantial questions of law:

"1.Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in holding that exclusion of expenses in foreign currency in respect of foreign travel amounting to Rs.71.46 lakhs and telecommunication charges amounting to Rs.28.10 lakhs from the export turnover which computing deduction u/s.10A?

2. Whether the Tribunal was right in determining the ALP by making a upward transfer pricing adjustment of Rs.5.23 crores especially when DRP had upheld the action of AO?

3. Is not the finding of the Tribunal wrong by holding that for the purpose of segment wise working of the assessee account need not be audited especially when section 44AB clearly states that if the total turnover of the assessee company exceeds Rs.45 lakhs the same is to be audited?

2. Learned senior standing counsel appearing for the appellant in the appeal 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of the aforesaid submissions made by the learned senior standing counsel for the appellant, this appeal is dismissed as withdrawn. However, the substantial questions of law are left open. No costs.

[S.S.S.R., J.] [C.S.N., J.]
25.02.2025

Asr
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

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

Asr

T.C.A. No.761 of 2013

Dated : 25.02.2025