

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.1.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MRS.JUSTICE S.VIMALA

Tax Case Appeal No.1032 of 2014

Commissioner of Income Tax
Madurai

.. Appellant

Versus

M/s.A-1235 Madurai Taluk agricultural
Produces Co-operative Marketing Society
No.31, Visuvasapuri 3rd Street
Gnanaolivupuram Madurai - 625 016
PAN: AAAAA9671J

.. Respondent

Prayer: Appeal has been filed against the order of the Income Tax Appellate Tribunal 'B' Bench, Chennai, dated 31.7.2014 in ITR No.1069/Mds/2013 against the order of the Commissioner of Income Tax-II Madurai dated 17.4.2013 and made in C.No.114/12/CIT-II/2012-13 against the assessment order of the income tax officer, ward III (1), Madurai dt. 6.11.2012 for the year 2010-2011.

For Appellant : Mr.T.Ravikumar
Mr.J.Narayanaswamy
Mr.T.R.Senthil Kumar
Mr.M.Swaminathan

For Respondent : Mr.N.V.Balaji

J U D G M E N T

The learned counsels appearing for the Appellant/Revenue had submitted that they may be permitted by this Court to withdraw the present tax case appeal, in view of the Circular No.21 of 2015, issued by the Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, dated 10.12.2015, as the tax effect relating to the matter is less than Rs.20,00,000/-.

2. The learned counsels had further submitted that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn,

inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.

3. In view of the said submissions made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn. It is made clear that the questions of law, which may arise for the decision of this Court, in the present tax case appeal, are left open to be considered and decided in appropriate cases, in accordance with law. It is also made clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To:

1. The Income Tax Appellate Tribunal `B' Bench, Chennai.
 2. The Asst. Registrar, ITAT IV Floor Rajaji Bhavan, Besant Nagar, Chennai-90
 3. The Commissioner of Income Tax-II, Madurai.
 4. The Income Tax Officer, Ward III (1), Madurai.
- + 1 cc to M/s. M. Swaminathan, advocate Sr.6403

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KSJ(CO)
EU 10.02.16