



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.1.2016

CORAM

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

Tax Case Appeal No.46 of 2014

Commissioner of Income Tax
Business Ward II,
Chennai

.. Appellant/Appellant

Versus

Smt.Rajeswari Rajagopalan

.. Respondent/Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'D' Bench, dated 08.05.2013, in I.T.A.No.1906/Mds/2012. against the order dated 31.07.2012 made in ITA No.191/11-12, on the file of the Commissioner of Income Tax (Appeals)-VI, Chennai, the assessment year 2009-10 against the assessment order, dated 26.12.2011 made in PAN/GIR NO.ABHP6344N on the file of the Income Tax Officer, Business ward II (3), Chennai for the year 2009-10.

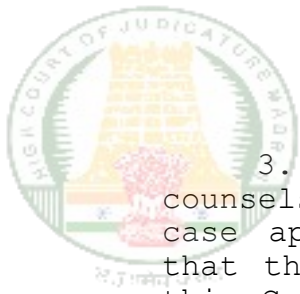
For Appellant : Mr.T.Ravikumar
Mr.J.Narayanasamy
Mr.M.Swaminathan
Mr.T.R.Senthilkumar

For Respondent : Dr.Anita Sumanth

JUDGMENT

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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(V)

//True Copy//

Sub Assistant Registrar

usk/msk

To:

1. The Income Tax Appellate Tribunal
Madras `D' Bench, Chennai.
 2. The Commissioner of Income Tax
(Appeals)-IV, 121, Mahatma Gandhi Road,
Chennai 600 034.
 3. The Income Tax Officer, Business ward II (3), Chennai.
- + 1 cc to Mr.T. Ravikumar, Advocate Sr.4115
+ 1 cc to Mrs.Anitha Sumath, Advocate Sr.3660

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GJ(CO)
Eu 8.2.16