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.538 of 2015

Commissioner of Income Tax
Chennai .. Appellant/Appellant

Versus

M/s.AML Steel Limited,
AML Towers, No.9, 6th Street,
Gopalapuram,
Chennai - 86. .. Respondent/Respondent

Prayer: Appeal presented to the High Court under Section 260-A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal Madras `C' Bench, dated 14.8.2013 in I.T.A.No.306/Mds/2013 against the order passed by the Commissioner of Income Tax (Appeals)-II, Chennai-34 made in ITR NO.540-11-12/A.III order dt. 19.1.2012 for the Assessment year dt. 2009-2010 against the order passed by the Income Tax Department Chennai 86, made in GIR/PAN AX-4715/AAA1A4304Q order dt. 26.12.2011 for the Assessment year 2009-10.

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

For Respondent : No Appearance

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

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To:

1. The Income Tax Appellate Tribunal
Madras `C' Bench.

2. The Commissioner of Income Tax, (Appeals)-III, Chennai-34.

3. The Joint Commissioner of Income Tax (OSD)
Company circle-1(1) Chennai.

+ 1 cc to Mr.T. Ravikumar, Advocate Sr.4137
+ 1 cc to Mr.Subbaraya Aiyar, Advocate sr.39117

Tax Case Appeal No.538 of 2015

SR(CO)
EU 04.02.16