IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.1.2016

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

Tax Case Appeal No.774 of 2015

Commissioner of Income Tax
Chennai .. Appellant/Appellant

Versus

M/s.Adityaram Properties (P) Ltd.,
No.14, Ambadi Road,
Kotturpuram, Chennai - 600 085,
PAN: AAACB2216N .. 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 31.12.2014 in I.T.A.No.647/Mds/2013 against the order of the Commissioner of Income Tax (Appeals) II for the Assessment Year 2007-08 in ITA No.176/11-12, dated 21.01.2013 against the Assessment order dated 23.12.2011 in PA No.AAACB2216N Assessment year 2007-08 by the Assessment Commissioner of Income Tax Company circle II(3), Chennai.

For Appellant : Mr.T.Ravikumar

For Respondent : No Appearance

JUDGMENT

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsel appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

2. The Commissioner of Income Tax (Appeals)II,
No.46, (Old no.108), Mahatma Gandhi Road,
Chennai 34.

3. The Commissioner of Income :Tax
Central circle II(3), Chennai.

4. The Commissioner of Income Tax, Chennai.

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kra 24.02.2016