IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

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

Tax Case Appeal Nos.1 and 2 of 2011

The Commissioner of Income Tax
Chennai .. Appellant/Appellant

Versus

(Late) Shri. Uttamchand Devichand Jain
by L.R.Rakesh kumar Jain
75, Govindappa Naiken Street,
Chennai - 600 001 .. Respondent in TCA 1&2/2011

Prayer: Appeals presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'B' Bench, dated 31.12.2007 in I.T.A.Nos.65 & 66/Mds/2007 respectively against the order of the Commissioner of Income Tax Appeals (X1) dated 12.09.2006 in ITA Tr.141/2005-06 ITA No.249/05-06 and ITA Tr.No.127/2006-07 ITA 173-05-06 respectively and against the order of the Income Tax Officer ward 1X(1) Chennai-6 U/s.147 rws.143(3) of the IT Act for the year 1999-2000 and 2000-01 on 28.03.2005.

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

For Respondent : Mr.M.P.Senthilkumar for
Mr.Philip George

COMMON JUDGMENT

(Judgment of the Court was made by M.JAICHANDREN, J)

The learned counsels appearing for the Appellant/Revenue had submitted that they may be permitted by this Court to withdraw the present tax case appeals, 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liberty may be granted to the Appellant/Revenue to revive the tax case appeals, if it is found that the same had been withdrawn, inadvertently, even though the same falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeals stand dismissed, as withdrawn.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 appeals, 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that it would be open to the Appellant/Revenue to revive the tax case appeals, if it is found that the same had been withdrawn, inadvertently, even though the same falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssd

To:
1. The Income Tax Appellate Tribunal
Madras 'B' Bench.

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

3. The Income Tax Officer,
Ward IX(1), Chennai 6.

+1 cc to Mr.Swaminathan, Advocate, sr.5874
+1 cc to Mr.Philip George, Advocate, sr.5941

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vgi co
kra 11.02.2016