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 Nos.342 to 344 of 2011

Commissioner of Income Tax
Chennai ..Appellant in all appeals

Versus

M/s.Cholamandalam Investments
& Finance Company Limited,
Dare House, No.2, NSC Bose Road,
Chennai. .. Respondent in all appeals

Prayer: Appeal in T.C.(A) No.342 of 2011 is 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 `B' Bench, dated 7.1.2011 in I.T.A.No.1538/Mds/2010.

(TCA 342/2011):-

against the order of the Commissioner of Income Tax (Appeals)-III, Chennai dated 30/06/2010 and made in ITA.NO.135/04/05/TR8/A.III, against the Assessment order of the Assistant Commissioner of Income Tax, Central Range I(4), Chennai, dated 31/03/04 in PAN/GIR NO.AAACC1226H for the Assessment year 2001-02.

Appeal in T.C.(A) No.343 of 2011 is 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 `B' Bench, dated 7.1.2011 in I.T.A.No.1539/Mds/2010.

(TCA 343/2011):-

against the order of the Commissioner of Income Tax (Appeals)-III, Chennai dated 30/06/2010 and made in ITA.NO.70/05-06/TR4/A.III, against the Assessment order of the Assistant Commissioner of Income Tax, Central Range I(4), Chennai, dated 23/03/05 in PAN/GIR NO.AAACC1226H for the Assessment year 2002-03.

Appeal in T.C.(A) No.344 of 2011 is 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 `B' Bench, dated 7.1.2011 in I.T.A.No.1540/Mds/2010.

(TCA 344/2011):-

against the order of the Commissioner of Income Tax (Appeals)-III, Chennai dated 30/06/2010 and made in ITA.NO.162/06-07/A.III, against the Assessment order of the Assistant Commissioner of Income Tax, Company Circle-I(3), Chennai, in GI NO/PAN NO.AAACC1226H for the Assessment year 2003-04.

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

For Respondent in all appeals : Mr.R.Venkataraman
for Mr.Subbaraya Aiyyar

COMMON 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 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 matters 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 they had been withdrawn, inadvertently, even though they fall 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 they had been withdrawn, inadvertently, even though they

fall under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today. No costs.

sd/-
Assistant Registrar(Cs-II)

/TRUE COPY/

Sub-Assistant Registrar

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To:

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

2.The Commissioner of Income Tax,
(Appeals)-III, 121, Mahatma Gandhi Road,
Chennai - 34.

3.The Assistant Commissioner of
Income Tax, Central Range I(4), Chennai.

4.The Assistant Commissioner of
Income Tax, Company Circle-I(3), Chennai.

+1 CC to Mr.T.Ravikumar, Senior Standing Counsel for IT Department. SR.NO. 4126
+1 CC to MR.Subbaraya Aiyar Advocate. SR.NO. 3918

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CO-GJ
JD 03/02/2016