

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

AND

THE HON'BLE MRS.JUSTICE S.VIMALA

T.C.NO.1369 OF 2008

Commissioner of Income Tax  
Chennai.

... Appellant

Vs.

M/s.Nubiola India Limited,  
6<sup>th</sup> Floor, 'B' Suite, Kences Towers,  
1, Ramakrishnan Street, T.Nagar,  
Chennai - 600 017

... Respondent

Prayer: Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the Order dated 7.3.2008 in I.T.A.No.1047/Mds/2007 on the file of the Income Tax Appellate Tribunal, Madras 'B' Bench in respect of the assessment year 2003-2004 against the order of the Commissioner of Income-Tax (Appeals)-V, Chennai made in ITA.362/2005-06 Dated 31.1.2007 against the order of Assistant Commissioner of Income Tax Company Circle-IV(4) Chennai dated 31.10.2005 made in P.A.No./G.I.No.AABCS0622E/NU-21 for the assessment year 2003-2004.

For Appellant : Mr.T.Ravikumar,  
Mr.J.Narayanaswamy,  
Mr.T.R.Senthilkumar  
and Mr.M.Swaminathan

For Respondent : Mr.R.Senniappan

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

To

1. The Income Tax Appellate Tribunal,  
Madras 'B' Bench
2. The Commissioner of Income-tax (Appeals) - V,  
121, Mahatma Gandhi Road,  
Chennai - 600 034,
3. The Assistant Commissioner of Income-tax,  
Company Circle - IV(4), Chennai,

+1cc to M/S.R.Senniappan, Advocate, S.R.No.3868

+1cc to M/S.T.R.Senthilkumar, Advocate, S.R.No.3925

T.C.No.1369 of 2008

ak(CO)  
srg(04/02/2016)