IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.1.2016

CORAM

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

Tax Case Appeal No.1145 of 2009

Commissioner of Income Tax
Circle V, Chennai .. Appellant/Appellant

Versus

M/s.Yule Engineering Corporation,
No.3C, Phase-III,
Thiru-Vi-Ka, Industrial Estate,
Chennai 600 097. ..Respondent/Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras `C' Bench, dated 22.5.2009, in I.T.A.No.1511/Mds/2008.

against the Order, dated 03/04/2008 made in ITA.No.39/07-08 on the file of the Commissioner of Income-Tax (Appeals)-VIII Chennai against Order, dated 04/12/2007 made in PAN/G.I.R.No.AAAFY0408J, on the file of Assistant Commissioner of Income Tax, Circle V, Chennai for the Assessment year 2005-06.

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

For Respondent : Mr.Philip George

O R D E R

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

To:

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

2.The Commissioner of Income Tax
(Appeals)VIII Chennai

3.The Assistant Commissioner of Income Tax,
Circle V, Chennai-34

+1 cc to Mr.Philip George Advocate sr.5946

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aa09/02/2016