

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.1360 of 2009

Commissioner of Income Tax
Salem

.. Appellant/Appellant

Versus

Smt.R.Perumayee
63/1A Diversion Road,
Sankari West,
Sankari.

.. Respondent/Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'D' Bench, dated 30.1.2009, in I.T.(SS)A.No.120/Mds/2005. (1) against the order of the Commissioner of Income Tax(Appeals) No:3 Gandhi Road, Salem 636 007, dated 17.05.2005 and made in ITA No.135/04-05. and (ii) against the order of the Deputy Commissioner of Income Tax, Central circle, Salem dated 28.05.2004 and made in PAN/GIR No.CCPP 002.

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

For Respondent : G.Ashokapathy for
M/s.Pass Associates

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may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Assistant Registrar,
III Floor, Rajaji Bhavan,
The Income Tax Appellate Tribunal
Madras 'D' Bench,
Besant Nagar, Chennai 70.

2. The Commissioner of Income Tax(Appeals)
No.3 Gandhi Road, Salem 636 007.

3. The Deputy Commissioner of Income Tax,
Central circle, Salem.

+1 cc to M/s.Pass Association, Advocate, sr.6676.
+1 cc to Mr.J.Narayanasamy, Advocate, sr.6348(17.06.2016)
+1 cc to Mr.M.Swaminathan, Advocate, sr.6396 (17.06.2016)

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ug co
kra 12.02.2016