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 No.391 of 2012

Commissioner of Income Tax
Chennai .. Appellan/Appellant

Versus

Smt.Bina Jayvant Mehta,
No.1, Taylors Road,
Kilpauk,
Chennai - 600 010. .. Respondent/Respondent

Prayer: Appeal presented to the High Court under Section 260A of the Income-tax Act against the order of the Income Tax Appellate Tribunal Madras `C' Bench, dated 11.05.2012, in I.T.A.No.830/Mds/2011 preferred against the order of CIT (A-IV) Chennai dated 09.01.2011 made in ITA No 196/9-10) A-IV preferred against the Assessment order of Deputy Commissioner of Income Tax, Business circle - X, Chennai 6 dated 23.12.2009 in ADMPM 1531H for the Assessment year 2007-2008.

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

For Respondent : Mr.A.S.Sriraman

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn,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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

usk/adl

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

2. The Commissioner of Income TAx (Appeal IV),
Chennai.

3. The Deputy Commissioner of Income Tax,
Circle X, Chennai 6.

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