

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.405 of 2012

Commissioner of Income Tax
Chennai

.. Appellant

Versus

M/s.Nelson Type Foundry Pvt.Ltd.,
53, Giri Road,
T.Nagar, Chennai - 600 017.

.. Respondent

Prayer: Appeal 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 'C' Bench, dated 6.6.2012 in I.T.A.No.469/Mds/2012 against the order of the Commissioner of Income Tax (Appeals V) in ITA No.263/10-11 dated 28.12.2011 and against the order of the Income Tax Officer, (OSD) Company circle IV(4) Chennai 34, dated 24.12.2010 made in PAN/GIR No.AAACN1137G

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

For Respondent : Mr.R.Venkataraman for
Mr.Subbaraya Aiyar

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn,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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

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Sub Assistant Registrar

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To:

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

2. The Commissioner of Income Tax(Appeals V)
Chennai 34.

3. The Assessing Officer of Income Tax,
Company Circle IV(A),
Chennai 34.

+1 cc to Mr.T.R.Senthilkumar, Advocate, sr.3931

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