IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.1.2016

CORAM

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

Tax Case Appeal No.414 of 2012

The Commissioner of Income Tax,
Tirunelveli. .. Appellant

Versus

M/s.P.Balasubramanian (Firm)
No.43, Ameer Square Building,
Kailasapuram,
Tirunelveli 627 001.
PAN:AAIFP4380L .. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'D' Bench, Chennai dated 29.05.2012, in I.T.A.No.2036/Mds/2011(Assessment year 2006-2007) against order of the Commissioner of Income Tax (Appeals)II, Madurai in ITA No.148 & 149/2010-11 dated 23.09.2011 against the Assessment order dated 23.12.2010 in PAN No.AAI FP 4380L by the Income Tax Officer Ward I(3), Tirunelveli.

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

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appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

lan/cla

To

against order of the Commissioner of Income Tax (Appeals)II, Madurai in ITA No.148 & 149/2010-11 dated 23.09.2011 against the Assessment order dated 23.12.2010 in PAN No.AAI FP 4380L by the Income Tax Officer Ward I(3), Tirunelveli.

To:
1. The Asst. Registrar,
Income Tax Appellate Tribunal
Madras `D' Bench.
RajajiBhavan, Chennai.

2. Income Tax of the (Appeals) II, Madurai.

3. The Asst. Commissioner of Income Tax Co.
Ward I(3), Tirunelveli.

4. The Commissioner of Income Tax, Tirunelveli.

+1 cc to Mr.S.Swaminathan, Advocate, sr.4697

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tej co
kra 05.02.2016