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.439 of 2012

Commissioner of Income Tax
Chennai .. Appellant

Versus

M/s.Sri Lakshmi Varaha Traders,
No.8, Vadamalai Maistry Street,
Facing Amman Koil Street,
Chennai - 600 079. .. Respondent

Prayer: Appeal presented to the High Court under Section 260-A of the Income-tax Act against the order of the Income Tax Appellate Tribunal Madras 'D' Bench, dated 19.6.2012, in I.T.A.No.102/Mds/2012 for the assessment year 2007-2008.

against the Order passed by the Commissioner of Income Tax (Appeals IV) 121, Mahatma Gandhi Road, Chennai-34 made in ITA No.409/2009-10/A-IV, Dated 31.10.2011 for the assessment year 2007-2008.

against the assessment order passed by the ward-XII(3) Chennai made in PAN/GIR.No.AANFS5471N Dated 30.12.2009 for the assessment year 2007-2008.

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

For Respondent : Dr.Anita Sumanth

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

/true copy/

Sub Asst. Registrar

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

2. Commissioner of Income Tax(Appeals)IV
121, Mahatma Gandhi Road, Chennai-34

3. Income Tax Office Business ward XII(3) Chennai

+1 cc to M/S.T.RaviKumar Advocate sr.4130/16
+1 cc to M/s.Anitha Sumath Advocate sr.3662/16

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aa04/02/2016