IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE DR.JUSTICE P.DEVADASS

T.C.A.No.700 of 2016

The Commissioner of Income Tax,
Chennai. .. Appellant

Vs.

M/s.Protectron Electromech Pvt.Ltd.,
No.9, Anthipattian Street,
Mount Road,
Chennai-600 002. .. Respondent

Tax Case Appeal filed under Section 260-A of the Income Tax Act against the order, dated 05.02.2016 in ITA No.2214/Mds/2015 on the file of the Income Tax Appellate Tribunal, Madras ''C" Bench against the order of the Commissioner of Income Tax (Appeals)-3 i/c. Chennai dated 26.08.15 and made in ITAM 6/13-14 against the assessment order for the year 2010-11 dated 22.03.13 on the file of the Deputy Commissioner of Income Tax, Company Circle V(2), Nungambakkam.

For appellant : Mr.T.Ravi Kumar,
Standing Counsel for Income Tax Dept.

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JUDGMENT

(Judgment of the Court was delivered by Nooty.Ramamohana Rao,J)

When this appeal is listed for admission, without issuing notice to the other side, the same is disposed of at the admission stage itself.

2. A Division Bench of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd. Vs. Assistant Commissioner of Income Tax, reported in 2012 (21) Taxmann.com 95 (Madras) = 2012 (340) ITR 0477 = 2010 (231) CTR 0368 (Madras), has subscribed to the same view of the Rajasthan High Court in the case of CIT Vs. Mewar Oil and General Mills Ltd., reported in 2004 (186) CTR (Raj) 141 = 2004 (271) ITR 311 (Raj) on the same subject and after perusing the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd., we are of the opinion that the view taken by this Court is correct and we also draw the comfort from the fact that the Special Leave

Petition preferred by the Revenue against the judgment rendered by this Court in Velayudhaswamy Spinning Mills (P) Ltd., bearing S.L.P.No.33475 of 2012, etc., (Assistant Commissioner of Income Tax, Tirupur Vs. M/s.Velayudhaswamy Spinning Mills P. Ltd), has since been dismissed by the Supreme Court on 05.09.2016, no doubt, without assigning any reasons therefor, but the Supreme Court has simply not found any warrant for interference with the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd. Hence, we prefer to follow the reasoning contained in the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd., and dismiss this appeal preferred by the Revenue, at the admission stage itself, but however, without costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

Copy to
1 The Registrar,
Income Tax Appellate Tribunal,
"C" Bench, Chennai.

2 The Asst. Registrar,
ITAT, IV Floor, Rajaji Bhavan,
Besant Nagar, Chennai.

3 The Commissioner of Income Tax
(Appeals)-3, Chennai.

4 The Deputy Commissioner of Income Tax,
Company Circle V(2), Nungambakkam.

+1 cc to Mr.T.Ravi Kumar, Advocate SR.NO. 57108

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KSJ(CO)
MMP 12.11.2016