IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM

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

Tax Case Appeal Nos.1356 and 1357 of 2010

The Commissioner of
Income Tax - VII,
Chennai. .. Appellant in both the TCA

Versus

M/s.Letraco India,
No.1B, Atkinson Palace,
2, Jothi Venkatachalam Road,
Vepery, Chennai - 600 007
(PAN AAAFL7664D) .. Respondent in TCA 1356 of 2010

M/s.Letraco Kid Leather,
No.1B, Atkinson Palace,
2, Jothi Venkatachalam Road,
Vepery, Chennai - 600 007
(PAN AAAFL4487H) .. Respondent in TCA 1357 of 2010

Prayer: Appeals presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'B' Bench, dated 10.12.2009 in I.T.A.Nos.1315/Mds/08 and 1316/Mds/08, respectively Chennai against the order of Commissioner of Income Tax (Appeals) -IX, 121, Mahatma Mandhi Road, Chennai -600 034 made inITA NO.157/07-08 and ITA No.156/07-08, dated of order 24.3.2008 for the assessment year 2002-03 and 2005-06.

against the order of Deputy Commissioner of Income Tax, Business Circle-VI, Chennai-34 made in PAN.No./GIR No.AAAFL7664D dated of order 24.12.2007, Assessment year 2002-03 against the order of Joint Commissioner of Income Tax, Business Range VI (1/c) Chennai-34 made in PAN No./GIR NO.AABFL4487H date of order 31.12.2007 Assessment year 2005-06.

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

For Respondents : M/s.Pass Associates

COMMON JUDGMENT

(Judgment of the Court was made by M.JAICHANDREN, J)

The learned counsels appearing for the Appellant/Revenue had submitted that they may be permitted by this Court to withdraw the present tax case appeals, 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liberty may be granted to the Appellant/Revenue to revive the tax case appeals, if it is found that the same had been withdrawn, inadvertently, even though the same falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeals stand dismissed, as withdrawn.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 appeals, 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 appeals, if it is found that the same had been withdrawn, inadvertently, even though the same 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 II)

//True Copy//

Sub Assistant Registrar

rg/asvm

To:

1. The Income Tax Appellate Tribunal
Madras 'B' Bench.

2. Commissioner of Income Tax (Appeals)-IX,
Chennai.

3. The Deputy Commissioner of Income Tax,
   Business Circle-VI, Chennai.-34.

4. The Joint Commissioner of Income Tax,
   Business Range VI(1/C) Chennai-34.

5. The Commissioner of Income Tax, VII, Chennai.

+ 1 cc to Mr.T.R. Senthilkumar, Advocate SR.5841

AK(CO)
EU 5.2.16