IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.1.2016

CORAM

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

Tax Case Appeal No.437 of 2010

Commissioner of Income Tax
Chennai. .. Appellant

Versus

Shri Mukesh P.Hemdev,
No.2, 1st Street,
Haddows Road,
Chennai 600 006.
PAN: AAAPH 7994 N .. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras `D' Bench, dated 4.9.2009, in I.T.A.No.869/Mds/2008 against the order of the Commissioner of Income Tax (A), Chennai VI, dated 17.12.2007 and made in ITA No.86/2008-2009 arising out of the order of the Income Tax Officer, Media Ward II, Chennai, dated 28.12.2007 in GIR No. & PA No.AAAPH7994N, for the Assessment Year 2004-05.

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

For Respondent : Mr.S.Sridhar

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn,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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

ssk.

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

2. The Commissioner of Income Tax, Chennai VI

3. The Income Tax Officer, Media Ward II,
Chennai 34.

+1 cc to Mr.J.Narayanaswamy, Advocate, sr.6338
+2 ccs to Mr.S.Sridharan, Advocate, sr.6261

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ad co
kra 11.03.2016