

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.449 of 2010

Commissioner of Income Tax, Salem

.. Appellant

Versus

M/s.Kandagiri Spinning Mills Ltd.,
Cuddalore Main Road, Udayapatti,
Salem 636 140.

.. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'B' Bench, dated 30.10.2009, in I.T.A.No.648/Mds/2009 against the order dated 19.2.2009 made in ITA.No.165/06-07 passed by the commissioner of Income Tax (Appeals), Salem and against the order dated 27.9.2006 passed by the Assistant Commissioner of Income Tax Company Circle, Salem, 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.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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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.

ssk.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To:

1. The Income Tax Appellate Tribunal
Madras 'B' Bench. Chennai.
 2. The Commissioner of Income Tax (Appeals)
Salem.
 3. The Assistant Commissioner of Income Tax,
Company Circle, Salem.
- + 1 cc to Mr.J.Narayanaswamy, Advocate SR 6356

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