

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.466 of 2010

Commissioner of Income Tax
Salem

.. Appellant

Versus

Shri.K.Sivakumar
L/R of late Shri.T.K.Kuppusamy,
No.395, Bazaar Street,
Salem 636 001.

.. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'C' Bench, dated 16.10.2009, in I.T.A.No.1056/Mds/2009 as against the order dt. 29.05.2009 passed by the Commissioner of Income -Tax (Appeals) is I.T.A.No.106/08-09 for the Assessment year 2004-08 and as against the order dt. 30.12.2008 passed by the Income Tax Ward-I (1), Salem made in PAN/GIR NO.ALAPK69432A/11PK0290 in for the assessment year 2004-005.

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Income Tax Appellate Tribunal
Madras `C' Bench, Chennai.

2. The Commissioner of Income Tax (Appeals),
No.3, Gandhi Road, Salem 635 007

3. The Income Tax Officer, Ward-I(1), Salem.

+ 1 cc to MR.S. Sridhar, Advocate SR.5968

+1 cc to Mr.M.Swaminathan, Advocate, sr.6397 (17.06.2016)

सत्यमेव जयते

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SVI (CO)

Eu 23.02.16

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