IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.1.2016

CORAM

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

Tax Case Appeal No.904 of 2010

Commissioner of Income Tax-III
Chennai .. Appellant

Versus

M/s.National Trust Housing
Finance Ltd.,
Subramanian Building,
No.1/1B, Club House Road,
(Off.Anna Salai),
Chennai-600 002 .. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras `D' Bench, Chennai, dated 05.02.2010, in M.P.No.364/Mds/2008 in I.T.A.No.1048/Mds/2007 & ITA.No.787/Mds/2007 against the High Court order dated 19.09.2008 in TCA No.1374/2008 agtainst the Income Tax Apepllate Tribunal, Bench 'B', Chennai dated 11.02.2008 and made in ITA Nos.1399,1400,1401,1402,1403/ Mds/2006, Assessment years 1998-99, 99-2000, 2000-01, 2001-02, 2003-04 against the order of the Commissioner of Income Tax (Appeals)XII, Nungambakkam, Chennai dated 23.11.2006, in ITA No.305/05-06 against the order of the Deputy Commissioner of Income Tax Compnay circle IV(4), Chennai, dated 05.10.2004 in PA No./aI.No.NA.116/AAAC 4897L for the Assessment year 2002-2003.

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

For Respondent : Mr.R.Venkatanarayanan
for M/s.Subbarayan Aiyar

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

ssk/msk

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

2. The Commissioner of Income Tax (Appeals)XII,
Nungambakkam, chennai.

3. The Deputy Commissioner of Income Tax,
Company circle IV(4), Chennai.

4. The Assitant Registrar,
Income Tax Appellate Tribunal,
IIIrd Floor, Rajaji Bhavan,
Besant Nagar, Chennai 90.

+1 cc to Mr.T.R.Senthilkumar, Advocate, sr.3909.

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rv co
kra 12.02.2016