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 No.907 of 2010

Commissioner of Income Tax-VII,
Chennai. .. Appellant

Versus

Dr.V.Muralikrishnan .. Respondent

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'A' Bench, dated 19.03.2010, in I.T.A.No.697/Mds/2007 against the order of the Commissioner of Income Tax (Appeals)IV Chennai dated 20.11.06 made in Appeal No.CIT(A)IV/CHE/275/06-07 for the Assessment year 2002-2003 against the order of Income Tax Officer, ward-1(3) Tambaram dated 28/9/05 made in file No.1332732 AEYPM 9959C for the Assessment Year 2002-03.

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

For Respondent : No Appearance

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

//True Copy//

Sub Assistant Registrar

To:

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

2.The Commissioner of Income Tax VII,
Chennai.

3.The Commissioner of Income Tax (Appeals)IV,
Chennai.

4.The Income Tax Officer,
Ward-1(3),
Tambaram

5.The Assistant Registrar,
Income Tax Appellate Tribunal,
IIIrd Floor,
Rajaji Bhavan, Besent Nagar,
Chennai-90.

+1cc to Mr.T.R.Senthilkumar, Advocate Sr.5839

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skv(CO)
srg(02/02/2016)