

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.987 of 2010

Commissioner of Income Tax
Chennai

.. Appellant/Respondent.

Versus

M/s.Kader Investment & Trading
Co. P. Ltd.,
3/284, Muttukadu Road,
Neelangarai, Chennai.

.. Respondent/Appellant.

Prayer: Appeal presented to the High Court against the order of the Income Tax Appellate Tribunal Madras 'B' Bench, dated 21.4.2010, in I.T.A.No.1250/Mds/2007 as against the order passed by the Commissioner of Income Tax (Appeals) III Chennai dated 16.3.2007 in ITA.No.33/2006-07/AIII for the assessment year 2003-04 against the order passed by the Income Tax Office, Company Ward II (1) Chennai dated 13.3.2006 in GINo./PA.No.KX K4-172/AAACK2194C for the assessment year 2003-04.

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that liberty may be granted to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the circular.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made by the learned counsels appearing for the Appellant/Revenue, the present tax case appeal stands dismissed, as withdrawn.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clear that it would be open to the Appellant/Revenue to revive the tax case appeal, if it is found that it had been withdrawn, inadvertently, even though it falls under the exceptions mentioned in paragraph 8 of the Circular, within a period of twelve weeks from today.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

ssk.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To:

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

2. The Commissioner of Income Tax,
(Appeals) III Chennai.

3. The Commissioner of Income Tax,
Chennai.

4. The Income Tax Office,
Company ward II (1)
Chennai.

5. The Assistant Registrar,
Income Tax Appellate Tribunal,
Rajaji Bhavan, Chennai.

+ 1 cc to Mr.T.R.Senthil Kumar, Advocate SR 3910

+ 1 cc to Mr.S.Sridhar, Advocate SR 3180

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