IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2017

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.6153/2004 and WMP.No.7245/2001

Dr.L.Subramanian ...Petitioner

Versus

1.The Income Tax Settlement Commission,
Additional Bench,
488-489, Anna Salai,
Chennai 600 035.

2.The Union of India represented by
The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi.

3.The Commissioner of Income Tax, Central I
108, Nungambakkam High Road,
Chennai-600 034.

4.The Assistant Commissioner of Income Tax,
Central Circle I(3)
121, Nungambakkam High Road,
Chennai 600 034. .. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ, direction or order in the nature of certiorari to call for the records of the first respondent Income Tax Settlement Commission, Additional Bench, Chennai in its file Settlement Application Nos.21/V/88/95-IT/605/86/97-IT for assessment years 1992-93 to 1995-96 and quash the impugned order dated 28.11.2003.

For Petitioner :R.Kumar

For Respondents :Mr.A.P.Srinivas

ORDER

Heard Mr.R.Kumar for Mr.T.N.Seetharaman, learned counsel for the petitioner and Mr.A.P.Srinivas, learned Senior Standing Counsel for the respondent/Department.

2. The legal issue raised in this writ petition is squarely covered by the decision of this Court, in the case C.V.Mathew vs. Income Tax Settlement Commission and Others reported in [2016] 96 CCH 0295 Chennai High Court, wherein, an identical issue was considered by this Court and it was held as follows:-

> "4. After the above order was dictated, the learned Standing Counsel for the respondent Department submitted that if the order passed by the third respondent is quashed, then it would amount to setting aside the rate of interest as ordered by the Commission. The Revenue need not have any apprehension in this regard and this Court has held that the order passed by the Commission dated 16.07.1998, 15.10.1998 and 16.07.1998 under Section 245D[4] has become final and the Department will be entitled to interest only as ordered by the commission.
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> 5. Thus, by following the above decision, the observation of the Settlement Commission by extending terminal date upto 25.02.2000 calls for interference. Accordingly, the Writ petitions are allowed to that extent and the terminal date as fixed by the Commission in its original order dated 25.02.2000 is confirmed. No costs."

3.Thus, following the above decision, the observation of the Settlement Commission by extending terminal date up to 25.02.2000 calls for interference. Accordingly, the Writ petition is allowed to that extent and the terminal date as fixed by the Commission as per the original order dated 25.06.1999 is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Income Tax Settlement Commission,
   Additional Bench,
   488-489, Anna Salai,
   Chennai 600 035.

2. The Union of India represented by
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   North Block,
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   Central Circle I(3)
   121, Nungambakkam High Road,
   Chennai 600 034.

+ 1 cc to M/s.T.N.Seetharaman, Advocate,SR.49144

+ 1 cc to M/s.A.P.Srinivas, Advocate,SR.48959

WP.No.6153/2004

CP(CO)
NR 31/07/2017