THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.T.T.A.No. 210 OF 2005

DATED 29TH NOVEMBER, 2017

Between:

M/s. Kanaka Durga Grameena Bank,
Post Office Road, Gudivada – 521301,
Krishna District … Appellant

AND

JCIT (Assts.), Special Range,
Guntur … Respondent

Counsel for the appellant : Sri A.V.Krishna Kaundinya

Counsel for the respondent : --

THE COURT MADE THE FOLLOWING

<u>JUDGMENT:</u> (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The following substantial question of law has been framed in the appeal by the assessee:

> *"Whether on the facts and circumstances of the case, the Hon'ble Tribunal was right in allowing the revenue's appeal holding that the appellant/assessee was not entitled to the deduction under Section 80 P (2) (a) (i) specially after the pronouncement of law by the Hon'ble Supreme Court in the case of CIT Vs. Karnataka State Co-operative Apex Bank reported in 251 ITR 194."*

2. At the hearing, Sri A.V.A.Siva Kartikeya, learned counsel for the appellant, has submitted that during pendency of the appeal, the appellant filed M.P.No. 48/Vizag/2005 seeking recalling of the order under appeal and that by its order dated 09-06-2006, the Tribunal allowed the miscellaneous application for statistical purpose and recalled the order and by a separate order passed on 12-06-2006, the appeal of the Revenue was dismissed. In the light of the above subsequent events, learned counsel for the appellant submitted that the cause in this appeal has become infructuous.

3. Accordingly, the appeal is dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

T.AMARNATH GOUD, J.

Date: 29-11-2017.
JSK