IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Tax Case (Appeal) No.273 of 2009

The Commissioner of Income-tax,
Coimbatore. ... Appellant

-vs-

M/s.Rajashree Sugars & Chemicals Ltd.,
338, Avinashi Road, Peela Medu,
Coimbatore-4. ... Respondent

Tax Case (Appeal) filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income-tax Appellate Tribunal "D" Bench, Chennai dated 30.11.2005 passed in I.T.A.No.1334/Mds/2002 for the assessment year 1997-98, against the order of the Commissioner of Income-Tax(Appeals) Coimbatore dated 05/05/2002 in I.T.Appeal NO.84-C/2000-01.

against the order of the Joint Commissioner of Income Tax, Special Range-I, Coimbatore dated 21/03/2000.

For Appellant : Mr.T.R.Senthil Kumar,
Senior Standing Counsel

For Respondent : Mr.Vijaya Raghavan
for M/s.Subbaraya Aiyar
and Padmanaban

JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

This appeal, by the Revenue, is directed against the order of the Income-tax Appellate Tribunal "D" Bench, Chennai dated 30.11.2005 passed in I.T.A.No.1334/Mds/2002 for the assessment year 1997-98.

2.The above appeal has been admitted on 24.04.2009, on the following substantial question of law:-

"Whether in the facts and circumstances of the case, the Tribunal was right in holding that the interest under Section 234C cannot be levied where the assessment is completed under Section 115JA"

3.The learned counsel appearing for the respondent/assessee fairly submits that the above substantial question of law has been answered against the assessee by the Hon'ble Supreme Court in the case of Joint Commissioner of Income Tax vs. Rolta India Ltd., (2011) 330 ITR 0470, wherein the Hon'ble Supreme Court held that in view of specific provisions in sub-Sections 115JA and 115JB to the effect that all other provisions of the Act shall apply to the MAT company, interest under sub-Sections 234B and 234C is payable on failure to pay advance tax in respect of tax payable under Section 115JA/115JB.

4.Following the above referred decision, the appeal, filed by the Revenue, is allowed and the substantial question of law is answered in favour of the Revenue. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

abr/nsd

To

1.The Income-tax Appellate Tribunal "D" Bench, Chennai.

2.The Commissioner of Income Tax(Appeals)
Coimbatore.

3.The Joint Commissioner of Income Tax,
Special Range-I, Coimbatore.

+1cc to Mr.T.R.Senthil kumar, Advocate sr.no.77209
+1cc to M/s.Subbaraya Aiyar, Advocate sr.no.77207

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svn(co)
nr 07/12/2018