

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.278 of 2009

Commissioner of Income Tax,
Erode.

... Appellant

-vs-

S K M Egg Products Export (Ind.) Ltd.,
18, Gandhiji Road, Erode.

... Respondent/Respondent

Tax Case (Appeal) filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income-tax Appellate Tribunal Chennai 'D' Bench, dated 01.10.2007 in I.T.A.No.2505/Mds/2005 for the assessment year 2000-01.

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

For Respondent : Ms.Sree Lakshmi Valli

JUDGMENT

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

This appeal, by the Revenue, is directed against the order of the Income-tax Appellate Tribunal Chennai 'D' Bench, dated 01.10.2007, in I.T.A.No.2505/Mds/2005 for the assessment year 2000-01.

2.The above appeal has been admitted on 09.06.2009, 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 payable to IFCI, a provision for contingent liability, need not be added back to the book profit as per explanation (c) to Section 115 JB(1)?"

3.The learned counsel for the respondent has filed a memo dated 12.11.2018, stating that in respect of the assessment year 2000-01, the above substantial question of law does not arise

for consideration, as that was never in issue. This submission is not controverted by the Revenue.

Accordingly, the appeal, filed by the Revenue, is closed.
No costs.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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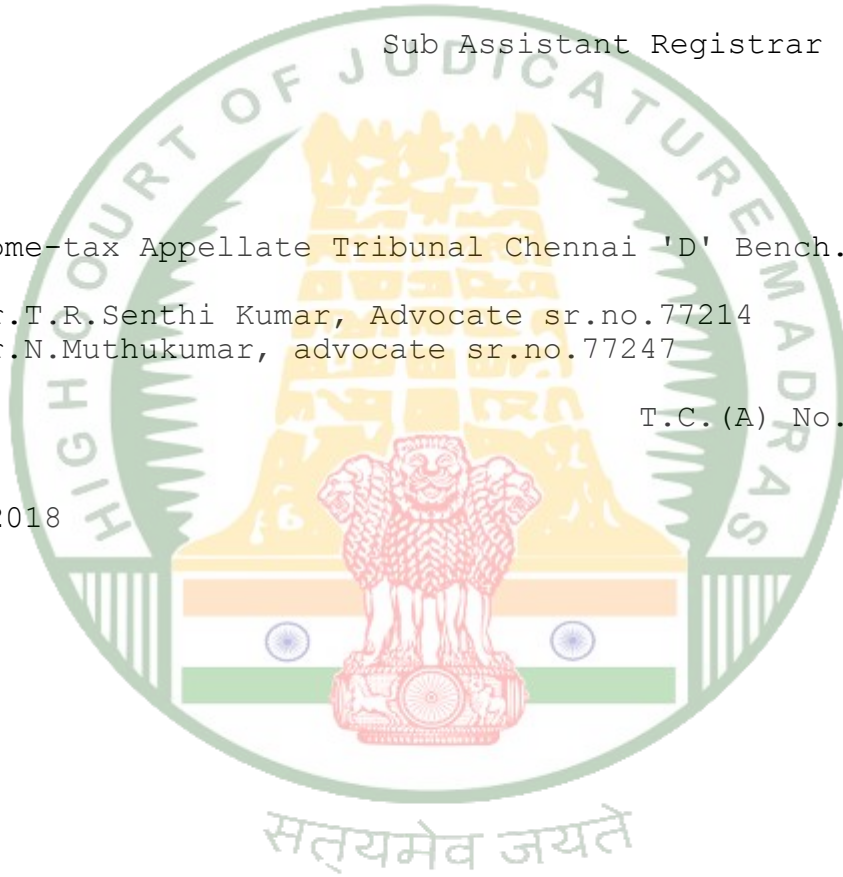
1.The Income-tax Appellate Tribunal Chennai 'D' Bench.

+1cc to Mr.T.R.Senthi Kumar, Advocate sr.no.77214

+1cc to Mr.N.Muthukumar, advocate sr.no.77247

T.C.(A) No.278 of 2009

VGII(CO)
NR 05/12/2018



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