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

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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)

//True Copy//

Sub Assistant Registrar

abr

To

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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