IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM :

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

Tax Case Appeal No.48 of 2016

M/s.Dugar Housing Development Finance India Limited,
(Formerly known as M/s.J.Paq Solutions Ltd.,)
Dugar Towers, 34 (new) Marshalls Road,
Chennai-600 008.

... Appellant/Appellant

-vs-

The Assistant Commissioner of Income tax,
Central Circle-II(3),
121, Uttamar Gandhi Road,
Nungambakkam, Chennai-600 034.

... Respondent/Respondent

Tax Case Appeal under Section 260A of the Income Tax Act, 1961 against the order dated 16.09.2015 on the file of the Income Tax Appellate Tribunal 'A' Bench, Chennai in Miscellaneous Petition No.63/Mds/2015 in I.T.A.No.2208/Mds/2007 for the assessment year 1999-2000.

against the order dated 22/03/12 made in ITA.No.2208(nds)/ 2007 on the file of the Income Tax Appellate Tribunal "A" Bench, Chennai for the Assessment year 1999-2000.

against the order dated 18/06/07 made in ITA.No. 141/05-06 on the file of the Commissioner of Income Tax (Appeals)-XII, Chennai for the Assessment year 1999-2000.

against the assessment order dated 31.03.02 made in GI.No./P.A.No.6081J/AAACJ9857B on the file of the Assistant Commissioner of Income Tax Company circle-11(3), Chennai 34 for the assessment year 1999-2000.

For Appellant : Mr.V.S.Jayakumar

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

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JUDGMENT

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

This appeal, by the assessee filed under Section 260A of the Income Tax Act, 1961 is directed against the order dated 16.09.2015, passed by the Income Tax Appellate Tribunal 'A' Bench, Chennai in Miscellaneous Petition No.63/Mds/2015 in I.T.A.No.2208/Mds/2007 for the assessment year 1999-2000.

2.The above appeal has been admitted on 25.01.2016, on the following substantial questions of law:-

> "1. Whether the Tribunal was right in rejecting the miscellaneous petition filed under Section 254 of the Income Tax Act, 1961?
>
> 2. Whether the Tribunal was right in holding that the amount claimed by the assessee in respect of interest charged to the profit and loss account in its entirety is not allowable in view of interpretation of Section 145 of the Income Tax Act, 1961?
>
> 3. Whether the Tribunal was right in holding that the method of accounting employed by the assessee was inconsistent with past assessment year wise or project wise?
>
> 4. Whether the Tribunal was right in holding that the charge in method of accounting made by the appellant was not acceptable and so the interest expenditure cannot be allowed as a period cost and the same is not legally sustainable?"

3.The learned counsel appearing for the appellant seeks permission of this Court to withdraw the Tax Case Appeal and circulated a letter dated 29.11.2018 to the Registry stating that the assessee is not interested in pursuing the appeal.

4.Recording the letter dated 29.11.2018, and the submission made by the learned counsel for the appellant, this Tax Case Appeal is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Income Tax Appellate Tribunal 'A' Bench, Chennai.

2.The Assistant Commissioner of Income Tax,
Company Circle II (3), 121, N.H.Road, Chennai-34.

3.The Commissioner of Income Tax (Appeals)-XII,
121, Mahatma Gandhi Road, Chennai-600 034.

4.The Assistant Commissioner of Income-Tax,
Central Circle-II(3),
121, Utamar Gandhi Road,
Nungambakkam, Chennai-34.

T.C.A.No.48 of 2016

rsv(co)
nr 17/09/2019