In the High Court of Judicature at Madras

Dated : 19.9.2018

Coram :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case Appeal No.859 of 2016

The Commissioner of Income Tax, Media Circle, Chennai ...Appellant

Vs

Shri C.Venkataraju, Proprietor, Gita Chitra International ...Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 15.6.2016 in ITA No.94/Mds/2016 on the file of the Income Tax Appellate Tribunal Madras 'C' Bench for the assessment year 2007-08 and against the order dated 26.11.2015 and made in ITA.No.105/2013-2014 on the file of the Commissioner of Income Tax(Appeals )14, Chennai 34 and against the order dated 28.03.2013 and made in P.A.N.GIR. No. ABVPC7837R on the file of Assistant Commissioner Of Income Tax, Media Circle II, Chennai 34.

For Appellant : Ms.S.Premalatha for
Mr.M.Swaminathan

For Respondent: Mr.R.Sivaraman

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard the learned counsel on either side.

2. The Revenue has preferred this appeal challenging the order dated 15.6.2016 passed by the Income Tax Appellate Tribunal in ITA.No.94/Mds/ 2016 for the assessment year 2007-08.

3. The above appeal has been admitted on 03.1.2017 on the following substantials question of law :

> "1. Whether, on the facts and in the circumstances of the case and in law, the Income Tax Appellate Tribunal erred in deleting the addition made under Section 49

(a)(ia) in respect of interest expenses debited to P & L, on which, tax was not deducted at source under Section 194-A or not remitted within due date ? and

2. Whether, on the facts and in the circumstances of the case and in law, the Income Tax Appellate Tribunal was right and justified in holding that disallowance under Section 40(a)(ia) is applicable only to payments towards expenses payable as on 31st March of the previous year when the Section does not provide for any such condition ?"

4. The learned Standing Counsel for the appellant seeks permission to withdraw the above appeal based on the Board's monetary policy circular. She would submit that on account of the monetary limit in this appeal, which is lesser than the threshold fixed by the Board's circular dated 11.7.2018, she may be permitted to withdraw the appeal.

5. The said submission of the learned Standing Counsel for the Revenue is placed on record. The above tax case appeal is dismissed as withdrawn and the substantial questions of law framed in this appeal are left open. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To
1. The Commissioner of Income
Tax, Media Circle, Chennai

2. The Commissioner of Income Tax
(Appeals)14, Chennai 34.

3. The Assistant Commissioner of Income Tax
Media Circle II, Chennai 34.

+1 CC to Mr.M. Swaminathan, Advocate sr 64804.

TCA.No.859 of 2016

VD(CO)
SP(03/10/2018)