

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM :

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

Tax Case Appeal No. 1576 of 2008

Commissioner of Income Tax,
Chennai

...Appellant

-VS-

M/s.Shriram Chits Tamil Nadu Pvt. Ltd.,
149, Greams Road, Chennai – 6.

...Respondent

Tax Case Appeal under Section 260-A of the Income Tax Act, 1961, is directed against the order passed by the Income Tax Appellate Tribunal "C" Bench, Chennai in I.T.A No.973/Mds/2006, dated 19.10.2007 for the assessment year 2002-03.

For appellant : Mr.T.R.Senthil Kumar, assisted by
Mrs.K.G.Usha Rani

For respondent : Mr.R.Sivaraman

JUDGEMENT

[Judgement of the Court was made by T.S.Sivagnanam, J.]

This tax case appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961, ('the Act' for brevity) is directed against the order passed by the Income Tax Appellate Tribunal "C" Bench, Chennai in I.T.A No.973/Mds/2006, dated 19.10.2007 for the assessment year 2002-03.

2. The above Tax Case Appeal has been admitted on 08.07.2008 on the following substantial question of law:-

"Whether on the facts and in the circumstances of the case, the Tribunal was right in treating the payments due from defaulting subscribers as bad debt, when there is no relationship of creditor and debtor between them?"

3. We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel assisted by Mrs.K.G.Usha Rani, for the appellant/revenue and Mr.R.Sivaraman, learned counsel for the respondent/assessee.

4. It is squarely stated by the learned counsel for the Revenue

that the above substantial question of law has been answered against the Revenue in the assessee's own case in T.C.A.No.1528 & 1529 of 2005 and 1142 of 2006 dated 22.08.2012 for the assessment year 1995-96.

5. Following the same, this Tax Case Appeal is dismissed and the substantial question of law is answered against the Revenue. No costs.

(T.S.S., J.) (V.B.S., J.)
04.06.2019

mrn

Index: Yes/No

To

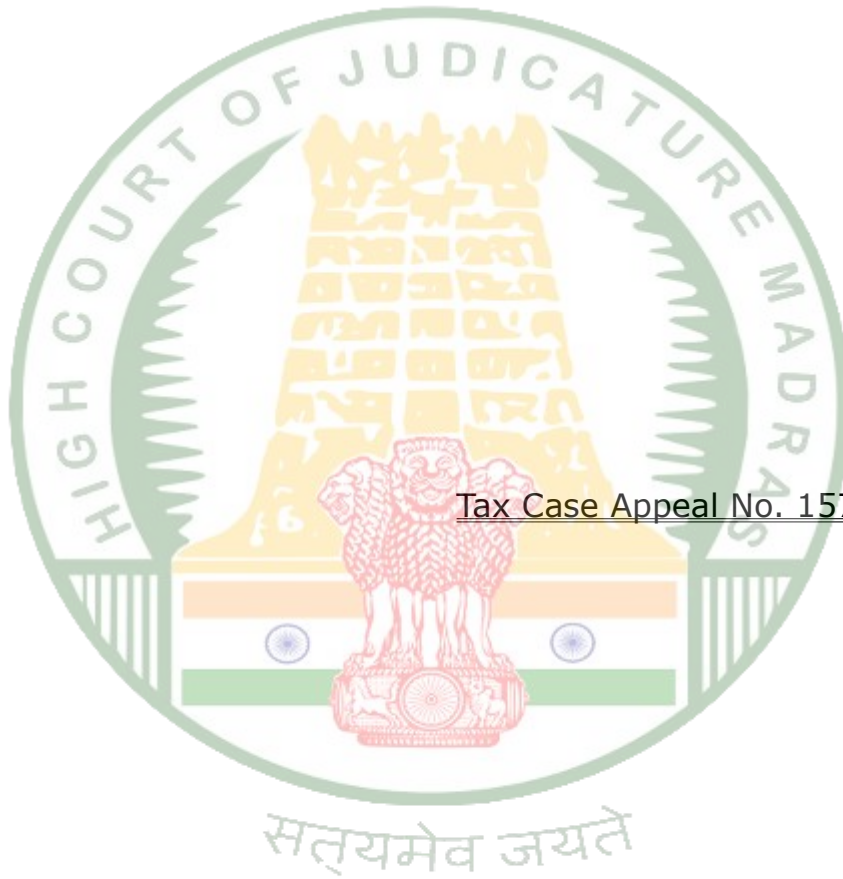
Income Tax Appellate Tribunal "C" Bench, Chennai

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**T.S.Sivagnanam, J.
and
V.Bhavani Subbaroyan, J.**

mrm



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