IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.2.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Tax Case No.1099 of 2009

Shriram Chits Tamil Nadu Private Ltd.,
149, Greams Road, Mount Road,
Chennai 600 006. Appellant /Appellant

Vs.

The Additional Commissioner of Income Tax,
Company Range VI,
Nungambakkam High Road,
Chennai 600 034. Respondent/Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai, dated 17.7.2009 made in ITA No.188/Mds/2009. And against the Order of the Commissioner of Income Tax (Appeals) (V), Chennai-34 dated 19/12/2008 made in IA.No. 297/2007-2008 against the Additional Commissioner Income Tax Company Range VI Chennai-34 dated 24.01.2008 made in PAN.No. AABCS0167N Assessment Year 2005-2006.

For Appellant : Mr.R.Sivaraman

For respondent : Ms.K.G.Usharani,
Mr.T.R.Senthilkumar,
Senior Standing Counsel

JUDGMENT
(Delivered by DR.VINEET KOTHARI,J)

Learned counsel appearing for the Appellant/Assessee submits that the controversy in the present case is covered by the judgment delivered by a Co-ordinate Bench of this Court in the case of the same Assessee in T.C.(A) No.908 of 2008, dated 9.4.2018. The said judgment is quoted below for ready reference:-

" Heard Mr.R.Sivaraman, learned counsel for the assessee and Mr.S.Rajesh, learned counsel for Mr.T.R.Senthil Kumar, learned counsel for the Revenue.

2. This tax case appeal filed by the assessee has been admitted on the following substantial question of law:

> "Whether in law, the dividends received by the appellant as a chit subscriber, is exempt from taxation on grounds of mutuality between all the chit subscribers including the appellant?"

3. Identical question was considered by this Court in a batch of cases in respect of assessee's sister concern engaged in identical business activity in T.C.(A).Nos.141 of 2004 etc., batch dated 30.03.2012 (Shriram Chits & Investments (P) Ltd., and others vs. The Assistant Commissioner of Income Tax and others).

4. The Division Bench of this Court, by the said judgment, rejected the said question on the ground that the assessee has not made any serious argument and thus, given up the said question regarding mutuality.

5. Thus, following the decision of the Hon'ble Division Bench of this Court in the aforementioned judgment in the case of the sister concern of the petitioner rejecting the identical question, we dismiss this appeal and answer the substantial question of law against the assessee. No costs."

2. We respectfully agree with the same and accordingly, the present Appeal is dismissed in the light of the aforesaid judgment.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssk.

1. The Additional Commissioner of Income Tax,
Company Range VI,
Nungambakkam High Road,
Chennai 600 034.

2. Income Tax Appellate Tribunal,
Madras 'A' Bench, Chennai.

3.The Commissioner of Income Tax,
Appeals V, Chennai - 34.

Tax Case Nos.1099 of 2009

VG II(CO)
GN(01/04/2019)