IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.06.2019

CORAM :

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

Tax Case No.523 of 2018

M/s.Tamil Nadu Co-operative State
Agricultural & Rural Development Bank Ltd.,
181-183, Luz Church Road,
Mylapore, Chennai - 600 004. ...Appellant

-vs-

The Assistant Commissioner of Income Tax,
Non-Corporate Circle - 2,
Chennai - 600 034. ...Respondent

Tax Case Appeal filed under Section 260-A of the Income Tax Act, 1961, directed against the order passed by the Income Tax Appellate Tribunal, Chennai "B" Bench, in I.T.A No.1552/Mds/2017, dated 16.11.2017 for the assessment year 2010-11 againt the Order of the Commissioner of Income Tax, (Appeals) - 2, Chennai in PAN AABAT 7344J, dated 29.03.2017.

For appellant : Mr.A.S.Sriraman

For Respondent : Mr.T.Ravi Kumar

JUDGEMENT

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

This Tax Case Appeal by the assessee filed under Section 260-A of the Income Tax Act, 1961, ('the Act' for brevity) is directed against the order passed by the Income Tax Appellate Tribunal, Chennai "B" Bench, in I.T.A No.1552/Mds/2017, dated 16.11.2017 for the assessment year 2010-11.

2.The above Tax Case Appeal has been filed raising the following substantial question of law:-

> "(i) Whether the Appellate Tribunal is right in passing a non speaking order on the issue relating to the eligibility for making deduction u/Sec.80P of the Act in the computation of taxable total income for the assessment year 2010-11?
>
> (ii) Whether the Appellate Tribunal is correct in their interpretation of Section 80P of the Act so

as to deny such deduction in overlooking the factual aspects pertaining to the activities of the appellant and the decisions rendered by this Court under identical circumstances?

(iii) Whether the Appellate Tribunal is correct in not adjudicating the issue relating to the eligibility for carry forward of losses pertaining to the assessment year 2007-08 for set off in the computation of taxable total income for the assessment year 2010-11 in the light of the CBDT's circular No.9/2015 dated 09.06.2015?"

3. We have heard Mr.A.S.Sriraman, learned counsel for the appellant/assessee and Mr.T.Ravi Kumar, learned Counsel for the respondent/Revenue.

4. The learned counsel appearing for the appellant/assessee on instructions submitted that in a miscellaneous petition filed by the assessee before the Tribunal in M.P.No.382/Chny/2017, dated 02.03.2018, the order impugned before us passed by the Tribunal dated 16.11.2017 has been recalled by the Tribunal.

5. In the light of the above, nothing survives for the consideration in this appeal. Accordingly, the above Tax Case Appeal is dismissed and the substantial questions of law are left open. No costs.

mrm

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Income Tax Appellate
   Tribunal "B" Bench, Madras

2. The Commissioner of Income Tax, (Appeals),
   121,M.G.Raod, Nungambakkam, Chennai -34.

+1cc to Mr.S.Sridhar, Advocate, SR.No.48218
+1cc to Mr.T.Ravi Kumar, Advocate, SR.No.47322

Tax Case No.523 of 2018

Kak(16/09/2019)