In the High Court of Judicature at Madras

Dated : 06.7.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Tax Case Appeal No.1002 of 2015

The Commissioner of Income
Tax, Chennai ...Appellant/Appellant

Vs

M/s.Hyundai Motor India Ltd.,
Irungattukottai, Sriperumbudur
Taluk, Kanchipuram District. ...Respondent/Respondent

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 29.5.2015 made in S.P.No.339/Mds/2015 in ITA.No.2157/Mds/ 2011 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench for the assessment year 2007-08, and against the order dated 31/10/2011 made in GIR No/PAN.No.AAACH2364M on the file of the Deputy Commissioner of Income-Tax, Large Tax payer Unit, Chennai, for the Assessment year 2007-2008, and against the order dated 30/09/2011 made in F.No.DRP/Chennai/Sectt./53/2011 for the Assessment year 2007-08.

For Appellant :Mr.T.Ravikumar, SSC &
Mrs.R.Hemalatha, SSC

For Respondent:Mr.S.P.Chidambaram

Judgment was delivered by T.S.Sivagnanam,J

We have heard Mr.T.Ravikumar and Mrs.R.Hemalatha learned Senior Standing Counsel appearing for the appellant – Revenue and Mr.S.P. Chidambaram, learned counsel appearing for the respondent.

2. This appeal, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) is directed against the order dated 29.5.2015 made in S.P.No.339/Mds/2015 in ITA.No.2157/Mds/2011 on the file of the Income Tax Appellate Tribunal, Chennai 'B' Bench (for brevity, the Tribunal) for the assessment year 2007-08.

3. The appeal has been admitted on 03.11.2015 on the following substantial questions of law :

> "i. Whether, on the facts and in the circumstances of the case, the Tribunal was right in extending the stay beyond the period of 365 days which is contrary to the Third Proviso stated in Section 254(2A) of the Income Tax Act, 1961 ?
>
> ii. Is not the finding of the Tribunal bad by extending the stay for a further period of 60 days on 29.5.2015 which would in aggregate amount to in all 806 days which is contrary to the statutory provisions enunciated in Section 254(2A) Third Proviso ? And
>
> iii. Whether the Tribunal has power to grant stay beyond 365 days in aggregate especially when the Third Proviso to Section 254(2A) clearly indicates that if the appeal is not disposed of within the period allowed, then the order of stay shall stand vacated ?"

4. The learned Senior Standing Counsel appearing for the Revenue submit that the main appeal itself had already been disposed of by the Tribunal.

5. The said submission of the learned Senior Standing Counsel is recorded.

6. In view of the subsequent development, which took place during the pendency of this appeal, the necessity to decide the substantial questions of law framed for consideration would not arise, as the issues have become academic.

7. Accordingly, the above tax case appeal is closed leaving the substantial questions of law framed for consideration to be

agitated in any other proceedings, if the respondent – assessee or any other assessee deems it appropriate. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//
Sub Assistant Registrar

RS

To

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

2.The Deputy Commissioner of Income Tax,
Large Taxpayer Unit,
Chennai.

3.The Income Tax Department,
Dispute Resolution Panel(DRP)
Chennai.

TCA.No.1002 of 2015

NR(CO)
CB(23/09/2020)