IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
&
THE HONOURABLE MR.JUSTICE M.S.RAMESH

T.C.A.No.63 of 2015

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

Vs.

M/s.Tamil Nadu Small Industries
Corporation Ltd.,
Industrial Estate, Guindy,
Chennai - 600032. ...Respondent/Appellant
PAN:AAACT1239K

Prayer: 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, dated 27.06.2014 in I.T.A.No.450/Mds/2013 for the Assessment Year 2007-2008 and against the order of the Commissioner of Income Tax (Appeals)-IV, Chennai-600 034, dated 20.12.2012 in I.T.A.No.423/2011-12 for the Assessment Year 2007-2008 and against the order of the Assistant Commissioner of Income Tax Company Circle-III (1) Chennai-34 dated 30.09.2009 in GIR No/PAN AAACT1239K for the Assessment Year 2007-2008.

For Appellant : Mr.M.Swaminathan,
Sr. Standing Counsel
Assisted by
Ms.V.Pushpa,
Jr. Standing Counsel

For Respondent : Mr.A.Thiagarajan
Standing Counsel
for S.Ramesh Kuamr

JUDGMENT

(Made by DR.VINEET KOTHARI,J)

The Revenue has filed this Appeal against the order dated 27.06.2014 of the learned Income Tax Appellate Tribunal for Assessment Year 2007-08. The operative portion of the order of the learned Tribunal is quoted below for ready reference:-

> "14. Heard both sides. Perused orders of lower authorities. We have already held that interest paid to Government of Tamil Nadu is not hit by the provisions of Section 43B of the Act. In the circumstances, we are of the considered view that this matter should go back to the Assessing Officer to verify as to whether assessee paid the interest of Rs.183.90 lakhs to Government of Tamil Nadu or to any other financial institution or it is only a provision made. Needless to say if this amount is paid to Government of Tamil Nadu, the provisions of Section 43B of the Act have no application to such payments. The Assessing Officer shall examine the issue afresh in accordance with law after providing adequate opportunity to the assessee.
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> 15. In the result, appeal of the assessee is partly allowed for statistical purposes."

2. Learned Senior Standing Counsel for the Revenue Mr.M.Swaminathan submitted that he has verified with the Assessing Authority that so far he has not passed any order upon the remand by the learned Tribunal under the order impugned before us.

3. Against the remand order of the learned Tribunal, we do not find any substantial question of law to be arising in the present case and therefore, the Assessing Authority may take action in accordance with law in pursuance of the remand order of the learned Tribunal.

4. The Tax Case Appeal is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

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

2. The Commissioner of Income Tax (Appeals)-IV,
   Chennai-600 034.

3. The Assistant Commissioner of
   Income Tax Company Circle -III (1),
   Chennai-600 034.

4. The Tamil Nadu Small Industries Corporation Ltd.,
   Industrial Estate, Guindy,
   Chennai - 600032.

+1cc to Mr.M.Swaminathan, Advocate Sr.41054
+1cc to Mr.S.Ramesh Kumar, Advocate Sr.40905

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srg 08/01/2021