IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

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THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V. THAMILSELVI

Tax Case Appeal No.1181 of 2008

M/s.Ashok Leyland Ltd.,
19, Rajaji Salai,
Chennai – 600 002. ... Appellant

Vs.

The Joint Commissioner of Income Tax,
Special Range - II,
Chennai – 600 034. ... 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, dated 31.08.2007 passed in I.T.A.No.555/Mds/2000.

For Appellant : Mr.R.Venkatanarayanan,
for M/s.Subbaraya Aiyar

For Respondent : Mr.T.Ravi Kumar,
Senior Standing Counsel

J U D G M E N T
(Delivered by M.DURAISWAMY, J.)

This appeal filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 31.08.2007 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.555/Mds/2000 for the assessment year 1992-93. The appeal was admitted on 21.08.2008 on the following Substantial Questions of Law:

> " 1) Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that scrap sales should be included in the total turn over for the purpose of computation of deduction u/s 80HHC of theAct? (covered in favour of the Assessee in the decision reported in 297 ITR 107)?
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> 2)Whether on the facts and circumstances of the case, the Tribunal was right in law in holding that 90% of the rent and commission should be excluded from the profits of business under cl of (baa) to explanation 4 to Sec. 80HHC without considering the real nature of the receipts (connected case in TC.No.1163/08)?
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> 3)Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that while

computing deduction u/s 80M, 2% of dividend income should be reduced as notional expenditure incurred towards earning dividend income?

4)Whether on the facts and circumstances of the case, the Tribunal was right in law in holding that the appellant is not entitled to set off of short term capital loss arising out of purchase and sale tax free bonds of PSU against other short term capital gains?

5)Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the appellant is not entitled to exemption u/s 10(15)(iv)(h) of the Act in respect of interest income from the tax free securities/bonds?"

2. We have heard Mr.R.Venkatanarayanan, learned counsel for the appellant/assessee and Mr.T.Ravi Kumar, learned Senior Standing Counsel for the respondent/Revenue.

3. It may not be necessary for this Court to decide the Substantial Questions of Law framed for consideration on account of certain subsequent developments. The Government of India enacted the **Direct Tax Vivad Se Vishwas Act, 2020 (Act 3 of 2020)** to provide for

resolution of disputed tax and for matters connected therewith or incidental thereto. The Act of the Parliament received the assent of the President on 17^{th} March 2020 and published in the Gazette of India on 17^{th} March 2020.

4. We are informed by the learned counsel for the appellant/ assessee that the assessee has already been issued with Form – 3 on 31.12.2020 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

5. In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn. No costs.

[M.D., J.] **[T.V.T.S., J.]**

25.01.2021

(1/3)

Index : Yes/No
Internet : Yes
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To

1. Income Tax Appellate Tribunal, Madras "A" Bench

2.The Joint Commissioner of Income Tax,
Special Range - II,
Chennai – 600 034.

M. DURAISWAMY, J.
and
T.V. THAMILSELVI, J.

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