IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

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

Tax Case Appeal No.1185 of 2008

M/s.Tube Investments of India Ltd.,
Dare House, 3rd Floor,
234, N.S.C. Bose Road,
Chennai – 600 001. ... Appellant

Vs.

The Assistant Commissioner of Income Tax,
Company Circle – III(2),
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 "C" Bench, dated 31.12.2007 passed in I.T.A.No.10/Mds/2006.

For Appellant : Mr.Yeswanthram
for M/s.K.Vaitheeswaran

For Respondent : Mr.T.Ravikumar
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 31.12.2007 passed by the Income Tax Appellate Tribunal, Madras "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.10/Mds/2006 for the assessment year 1993-94. The above appeal has been admitted on 20.08.2008 on the following Substantial Question of Law:

> *"Whether in the facts and in the circumstances of the case, the Income Tax Appellate Tribunal is right in treating the order dated 20.06.2003 as an "effect giving" order and that no time limit would apply as specified in Section 153(3)(ii)?"*

2. We have heard Mr.Yeswanthram for M/s.K.Vaitheeswaran, learned counsel for the appellant/assessee and Mr.T.Ravikumar, learned Senior Standing Counsel for the respondent/Revenue.

3. It may not be necessary for this Court to decide the Substantial Question 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 17th March 2020 and published in the Gazette of India on 17th March 2020.

4. We are informed by the learned counsel for the appellant/ assessee that the assessee had already been issued with Form-3 on 10.02.2021 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 In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn.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.]

26.02.2021

Index : Yes/No
Internet : Yes
mkn

To

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

2.The Assistant Commissioner of Income Tax,
Company Circle – III(2),
Chennai - 600 034.

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

mkn

Tax Case Appeal No.1185 of 2008

26.02.2021