IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R. HEMALATHA

Tax Case Appeal No.1221 of 2009

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Lakshmi General Finance Ltd.,
Presently merged with
M/s.Sundaram Finance Ltd.,
21, Patullas Road, Chennai - 2. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, dated 23.01.2009 passed in I.T.A.No.2141/Mds/2007, as against the order dated 21/05/2007 by the Office of the Commissioner of Income Tax (Appeals)-V, Chennai in ITA No.241/2006-2007 Assessment Year 2003-04 and as against the order dated 31/01/2006 by the Office of the Assistant Commissioner of Income Tax Company Circle VI (4), Chennai in PAN No.AAACL0502B Assessmenty year 2003-04.

For Appellant : Mr.T.Ravikumar
Senior Standing Counsel

For Respondent : Mr.R.Venkata Narayanan
for M/s.Subbaraya Aiyar Padmanabhan

J U D G M E N T

(Delivered by M.DURAISWAMY, J.)

This appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 23.01.2009 passed by the Income Tax Appellate Tribunal, Chennai "B" Bench, ('the Tribunal' for brevity) in I.T.A.No.2141/Mds/2007 for the assessment year

2003-04. The above appeal has been admitted on 24.11.2009 on the following Substantial Question of Law:

> "Whether on the facts and circumstances of the case, the Tribunal was right in holding that amount realised on sale of IVP, held as investment and sold before maturity, is to be treated as capital asset and the excess amount realised on sale before maturity is assessable to long term capital gains and not as income by way of interest assessable under the head 'Income from other sources'".

2. We have heard Mr.T.Ravikumar, learned Senior Standing Counsel for the appellant/Revenue and Mr.R.Venkata Narayanan for M/s.Subbaraya Aiyar Padmanabhan, learned counsel for the respondent/assessee.

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 17^{th} March 2020 and published in the Gazette of India on 17^{th} March 2020.

4.Learned counsel for the respondent/assessee submitted that the assessee had availed the Vivad Se Vishwas Scheme and that the respondent/assessee had already been issued with Form-3 on 11.01.2021.

5.Since the respondent/assessee had been issued with Form-3, nothing survives for adjudication in the above appeal. Recording the submission made by the learned counsel for the respondent/assessee, the Tax Case Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mkn

To

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

2. The Commissioner of Income Tax,
   Chennai.

3. The Assistant Commissioner of Income Tax
   Company Circle-IV (4),
   Chennai.

4. The Commissioner of Income Tax Appeal (V),
   Chennai.

+1cc to M/s.T.Ravikumar, Advocate Sr.26062
+1cc to M/s.Subbaraya Aiyar, Advocate Sr.26511

Tax Case Appeal No.1221 of 2009

ssn[co]
srg 09/07/2021