IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

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

Tax Case Appeal No.1245 of 2009

Shri N.Kanagendran
No.137, Jawaharlal Nehru Sali,
Ekkaduthangal,
Chennai - 600 097. ... Appellant

Vs.

The Assistant Commissioner of Income-Tax,
Company Circle - I(3),
121, Nungambakkam High Road,
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 "B" Bench, dated 26.06.2009 passed in I.T.A.No.2018/Mds/2008. Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'B' Bench, Chennai dated 26.06.2009 in ITA No.2018/Mds/2008 for the Assessment Year 2003-04 against the Order of the Commissioner of Income Tax Appeals(A)-III, Chennai dated 29.07.2008 in ITA No.18/2008-09, against the levy of penalty order of the Assistant Commissioner of Income Tax Company Circle 1(3) Chennai-34 dated 28.03.2008, against the order of the proceedings of the Assistant Commissioner of Income Tax, Company Circle 1(3) (i/c), Chennai dated 23.12.2005 for the Assessment Years 2003-04.

For Appellant : Ms.Sri Niranjani Srinivasan
for M/s.N.Muthukumar

For Respondent : Mr.Karthik Ranganathan
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 26.06.2009 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, ('the Tribunal' for brevity) in I.T.A.No.2018/Mds/2008 for the assessment year 2003-2004. The above appeal was admitted on the following Substantial Question of Law:

> "Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal is right in law in confirming the levy of penalty under Section 271(1)(c) of the Income Tax Act in respect of Assessment Year 2000-01?”

2. We have heard Ms.Sri Niranjani Srinivasan, learned counsel for the appellant/assessee and Mr.Karthik Ranganathan, 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 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 02.02.2021 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.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Commissioner of Income Tax(A)-III,
   Chennai.

3. The Assistant Commissioner of Income-Tax,
   Company Circle – I(3),
   121, Nungambakkam High Road,
   Chennai – 600 034.

Tax Case Appeal No.1245 of 2009

PPA(CO)
SU(27/09/2021)