IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

TAX CASE APPEAL NO.1302 OF 2009

M/s. Tamilnadu Steel Tubes Ltd.,
Hindustan Chamber Buildinng (IV Floor)
15, Kondi Chetty Street
Chennai - 600 001 ...Appellant

Versus

The Assistant Commissioner of Income-tax
Central Circle IV (2)
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 "C" Bench, Chennai dated 12.10.2007 passed in I.T.(SS) A No.75(Mds)/2003 against the Order of the Commissioner of Income Tax Central (Appeals)-I, Chennai dated 31.01.2003 in ITA No.141/2002-2003, G.I.No./P.A.No.AAACT2381C for the Assessment year 1990-91 to 2000-01 against the order of the Assistant Commissioner of Income Tax, Central Circle-IV(2) Chennai dated 30.08.2002 in P.A.No./G.I.No.AAACT2381C for the Assessment year 1990-91 to 2000-01 upto 26.06.2000.

For Appellant : Mr.P.R.Shankar

For Respondent : Mr.M.Swaminathan
Senior Standing Counsel

J U D G M E N T

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

This Tax Case Appeal has been filed by the appellant / Assessee challenging the order dated 12.10.2007 passed by the Income Tax Appellate Tribunal, Bench 'C', Chennai ('the Tribunal', for brevity) in I.T.(SS) No.75(Mds)/2003 for the Assessment Year 1990-91 to 2000-01 by raising the following substantial question of law :

"Whether on the facts and in the circumstances of the case the Tribunal is right in law in dismissing the appeal as not maintainable on the ground that the appellant has not complied with the provisions of Sec.249(4)?"

2.When the matter was taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of this tax case appeal, the assessee has availed the benefit conferred under the Direct Tax Vivad Se Vishwas Act, 2020 and filed necessary declarations, which were accepted and Form 5 / order for full and final settlement of tax arrears, was also issued by the Income tax department, on 02.11.2021. The learned counsel has also filed Form 5 dated 02.11.2021 to that effect.

3.The aforesaid submission made by the learned counsel for the appellant/assessee has also been fairly conceded by the learned senior standing counsel appearing for the respondent/ Revenue.

4.In view of the subsequent development, this court is of the opinion that nothing survives for adjudication in this appeal. Recording the submission so made by the learned counsel on either side, the Tax Case Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

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

2.The Assistant Commissioner of Income-tax
Central Circle IV (2)
121, Nungambakkam High Road
Chennai - 600 034.

3.The Commissioner of Income Tax,
Central (Appeals)-I, Chennai.

+1cc to Mr.P.R.Shankar, Advocate SR.No.69283

T.C.A No.1302 of 2009

SMI(CO)
RVM(20/01/2022)