IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

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

Tax Case Appeal No.541 of 2009

Shri.B.Babu Manoharan,
No.56-C, Old Mahabalipuram Road,
Sholinganallur,
Chennai - 600 119. ... Appellant

Vs.

The Deputy Commissioner of Income-Tax,
Circle I (i/c)
Tambaram,
Chennai - 600 045. ... 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 02.01.2009 passed in I.T.(SS).A.No.10/Mds/2007, against the order of the Commissioner of Income Tax(A)-IX, Chennai-34 in ITA No.43/07-08 dated 14.12.2007 for the Block Years 01.04.1989 to 31.03.1999 against the proceedings of the Deputy Commissioner of Income-Tax,Circle-1, Tambaram, Chennai-45 in AAHPM9218P/01.04.1989 to 31.03.1999 dated 30.05.2007.

For Appellant : Ms.Sri Niranjani Srinivasan

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 02.01.2009 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.(SS).A.No.10/Mds/2007 for the Block Assessment Period 01.04.1989 to 31.03.1999. The above appeal has been admitted on 27.07.2009 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 upholding the levy of penalty under Section 158 BFA(2) of the Income Tax Act?"

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 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. We are informed by the learned counsel for the appellant/assessee that the assessee had already been issued with Form-3 on 30.04.2021 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 VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar
   Income Tax Appellate Tribunal, Madras "A" Bench
2. The Commissioner of Income Tax(A)-IX,
   Chennai-34
3. The Deputy Commissioner of Income-Tax,
   Circle I (i/c)
   Tambaram,Chennai – 600 045.

+1cc to M/S.G. Baskar, Advocate, S.R.No.30017

Tax Case Appeal No.541 of 2009

PPA(CO)
PM(20/07/2021)