IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM

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

Tax Case Appeal No.1033 of 2010

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Spencer International Hotels Ltd.,
Spencer Plaza, 4th Floor,
769, Anna Salai, Chennai - 02. ... 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 18.12.2009 passed in I.T.A.No.1530/Mds/2009, against the order passed by the Commissioner of Income Tax (Appeals)-V, Chennai, for the Assessment year 2006 -07 in ITA.No.343/2008-09, dated 15.07.2009 against the Assessment order dated 26.12.2008 by the Assistant Commissioner of Income Tax, Company Circle VI(4), Chennai, in PAN/GIR No.AAA CS5058F/SP15, for the Assessment year 2006-07.

For Appellant : Mr.J.Narayanasamy
Senior Standing Counsel

For Respondent : Mr.R.Venkatanarayanan

J U D G M E N T
(Delivered by M.DURAISWAMY, J.)

This appeal filed by the Department under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 18.12.2009 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, ('the Tribunal' for brevity) in I.T.A.No.1530/Mds/2009 for the assessment year 2006-07.

2.On 18.01.2011, the appeal was admitted on the following Substantial Questions of Law:

"1)Whether on the facts and circumstances of the case, the Tribunal was right in upholding the CIT(A)'s deletion of disallowance of licence fee paid to M/s.Spencer and Company Ltd.?

2)Whether on the facts and circumstances of the case, the Tribunal was right in upholding the CIT (A)'s deletion of the administrative expenses claimed by the assessee?

3)Whether on the facts and circumstances of the case, the Tribunal was right in treatment of licence fee received from Indian Hotel Company as income from business as against the revenue's stand to treat it as income from property?

4)Whether on the facts and circumstances of the case, the Tribunal was right in upholding the direction of CIT (A) to AO to adopt to Rs50 as the sale price as against the revenue's valuation at Rs.70 per share?

5)Whether on the facts and circumstances of the case, the Tribunal was right in upholding the CIT (A)'s direction for indexation with reference to financial year 1999-00 while computing the capital gain? And

6)Whether on the facts and circumstances of the case, the Tribunal was right in upholding the CIT (A)'s deletion of disallowance under Section 80G?"

3.We have heard Mr.J.Narayanasamy, learned senior standing counsel for the appellant/Revenue and Mr.R.Venkatanarayanan, learned counsel for the respondent/assessee.

4. 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 17^{th} March 2020 and published in the Gazette of India on 17^{th} March 2020.

5.The learned counsel for the respondent/assessee submitted that the respondent/assessee had availed Vivad Se Vishwas Scheme and that the Department had also issued Form - 3 on 09.02.2021.

6. Since the assessee has 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

va

To

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

2. The Commissioner of Income Tax, Chennai.

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

4. The Assistant Commissioner of Income Tax,
   Company Circle VI(4), Chennai.

Tax Case Appeal No.1033 of 2010

SS(CO)
CSR 30.04.2021