IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

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

Tax Case Appeal No.139 of 2010

Mr.T.M.Abdul Shakoor,
48/2, Wuthucattan Street,
Periamet,
Chennai - 600 003. ... Appellant

Vs.

The Assistant Commissioner of Income Tax,
Circle X,
Chennai - 600 006. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 25.08.2009 passed in I.T.A.No.546/Mds/2009.

As against the order dated 18/12/2008 by the Office of the Commissioner of Income Tax (Appeals)-IV, Appeal No.CIT (A)-IV/CHE/59/07-08 in PAN No.AAAPA8444K for the Assessment Year 2002-2003 and as against the order dated 26/10/2007 by the Office of the Assistant Commissioner of Income Tax Circle X in PAN No.AAAPA8444K, Assessment Year 2002-2003.

For Appellant : Mr.M.Kaushik
for Mr.S.Sridhar

For Respondent : Mr.M.Swaminathan
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 25.08.2009 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.546/Mds/2009 for the assessment year 2002-

03. The above appeal has been admitted on 22.02.2010 on the following Substantial Questions of Law:

"1.Whether the Appellate Tribunal is correct in law in concluding that the provisions of section 80IA (9) of the Act were correctly applied in the quantification of deduction under section 80HHC of the Act by the respondent even though the quantification process under both sections were different and independent especially there was no claim of 'Double deduction/claim'?

2.Whether the Tribunal is correct in law in sustaining the stand of the respondent on the interpretation of section 80IA(9) of the Act, while further sustaining the reduction of the quantified amount in terms of section 80IA(9) of the Act in the process of ascertaining the deduction under section 80HHC of the Act, allowable in the computation of taxable total income for the relevant assessment year upon brushing aside the legal principles of 'purposive and harmonious construction' of the Taxing statute and further not considering the decision of the Apex Court reported in (1973) 88 ITR 192, Commissioner of Income-tax v. Vegetable Products Ltd.?"

2. We have heard Mr.M.Kaushik for Mr.S.Sridhar, learned counsel for the appellant/assessee and Mr.M.Swaminathan, 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 06.01.2021 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
Chennai "A" Bench

2.The Assistant Commissioner of Income Tax,
Circle X,
Chennai - 600 006.

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

+1cc to M/s.M.Swaminathan, Advocate Sr.26516

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ssn[co]
srg 29/06/2021