IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

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

Tax Case Appeal No.100 of 2012
and
M.P.Nos.1 of 2013 & 1 of 2014

M/s.Tamil Nadu Steel Tubes Ltd.,
15, Kondy Chetty Street,
Chennai - 600 001. ... Appellant

Vs.

The Assistant Commissioner of Income-Tax,
Central Circle III(1),
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, dated 21.04.2011 passed in I.T.A.No.1369/Mds/2008, against the order of CIT(A)-VIII at Chennai dt.31.03.2008 in ITA No.245/07-08 against the assessement order U/S 143(3) read with section 147 of the Income Tax Act 1961 dated 29.12.2006 by the Income Tax Officer(OSD), Company Circle(III)(1) Chennai-34.

For Appellant : Mr.P.R.Shankar
For Respondent : Mr.M.Swaminathan
Senior Standing Counsel
and Mrs.V.Pushpa
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 21.04.2011 passed by the Income Tax Appellate Tribunal, Madras "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.1369/Mds/2008 for the assessment year 1999-2000. The assessee has raised the following Substantial Questions of Law in the above appeal.

"1.Whether on the facts and in the circumstances of the case as stated above, the Tribunal, is right in law to cure the jurisdictional notice under Section 292 B, even though there is no notice is issued for the assessment year 1999-2000?

2.Whether on the facts and in the circumstances of the case, the Tribunal is right in law by directing the respondent to issue a fresh notice after the expiry of the limitation period?

3.Whether on the facts and in the circumstances of the case, the Tribunal is right in law by accepting a Corrigendum Notice without issuing a valid Notice under Section 148 for the re-assessment?"

2. We have heard Mr.P.R.Shankar, learned counsel for the appellant/assessee and Mr.M.Swaminathan, learned Senior Standing Counsel and Mrs.V.Pushpa, learned 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 20.03.2021 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Assistant Commissioner of Income-Tax,
Central Circle III(1),
121, Nungambakkam High Road,
Chennai - 600 034.

3.The Commissioner of Income Tax (Appeals)-VIII,
No.121. M.G.Road, Chennai-34.

+1 cc to Mr.P.R.Shankar, Advocate Sr No.21508
+1 cc to Mr.M.Swaminathan, Advocate Sr No.21547

Tax Case Appeal No.100 of 2012
01.04.2021

SS(CO)
RG.29.04.02021(3P.6C)