IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

Tax Case Appeal Nos. 331 and 800 of 2015

T.C.A. No. 331 of 2015:-
T.V.Sundram Iyengar & Sons Ltd
Madurai. ...Appellant

Vs.

The Commissioner of Income Tax
Madurai. ...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, Chennai dated 26.09.2014 passed in I.T.A.No.687/Chny/2014 for the assessment year 2006-07 as against appellant order and ground of decision the order of the Commissioner of Income Tax (Appeals)-I, Madurai dated 16.01.2014 passed in PAN.No.AABCT0159K for the Assessment year 2006-2007 and against passed Assessment order of Deputy Commissioner of Income Tax, Company circle -I, Madurai dated 12.05.2011 passed in PAN.No.AABCT0159K for the Assessment year 2005-2006.

For Appellant : Mr. N.V.Balaji

For Respondent : Mrs. V.Pushpa
Junior Standing Counsel

T.C.A. No. 800 of 2015:-

T.V.Sundram Iyengar & Sons Ltd
7-B, West Veli Street
Madurai. ...Appellant

Vs.

The Commissioner of Income Tax
Madurai. ...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, Chennai dated 04.03.2015 passed in M.P. 1//Chn/2015 in I.T.A.No.687/2014 for the assessment year

2006-07 as against Appellant order and the order of the Income Tax Appellate Tribunal "A" Bench chennai dated 26.09.2014 passed in PAN.NO.AABCT0159K for the Assessment year 2006-2007 and against Appellate order and ground of decesion the order of the Commissiner of Income Tax (Appeals)-I, Madurai dated 16.01.2014 made in PAN.NO.AABCT0159K for the Assessment year 2006-2007 and against passed in assessment order of the Deputy Commissioner of Income Tax, Company Circle-I, Madurai dated 12.05.2011 made in PAN.NO.AABCT0159K for the Assessment year 2005-2006.

For Appellant : Mr. N.V.Balaji

For Respondent : Mrs. V.Pushpa
Junior Standing Counsel

COMMON JUDGMENT

(Judgment was delivered by R. MAHADEVAN, J.)

These Tax Case Appeals have been filed by the appellant / Assessee challenging the order 26.09.2014 passed in I.T.A.No.687/Chny/2014 for the assessment year 2006-07 as well as the order dated 04.03.2015 passed in M.P. 1//Chn/2015 in I.T.A.No.687/2014 in respect of the same assessment year i.e., 2006-07 passed by the Income Tax Appellate Tribunal, Bench 'A', Chennai ('the Tribunal', for brevity).

2.By orders dated 24.08.2015, this court admitted the tax case appeals on the following substantial questions of law:

TCA.No.331 of 2015:-

> "1.Whether, on the facts and in the circumstances of the case, the Tribunal is justified, in law, in confirming the appeal and in holding that the reassessment for invoking section 50C of the Act was valid ?
>
> 2. Whether, on the fact and in the circumstances of the case, the Tribunal is right, in law, in upholding the reassessment based on the Audit objection and in ignoring the decision of the Supreme Court in the case of Indian & Eastern News Paper Society v. CIT reported in 119 ITR 996 (SC)?
>
> 3. Whether, on the facts and in the circumstances of the case, the Tribunal is right, in law, in confirming the reassessment, for applying section 50C of the Act, based on Collectors valuation report, without dealing with grounds number three and four raised by the assessee?

TCA.No.800 of 2015:-

> "Whether, on the facts and in the circumstances of the case, the Tribunal, having fairly extracted the miscellaneous petition filed by the assessee, is justified, in law, in not dealing with the facts given therein and in holding that it would amount to review of the order of the Tribunal?"

3.When the matters were taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of these tax case appeals, the assessee has filed the requisite Forms 1 and 2 under Section 4 (1) of the Direct Tax Vivad Se Vishwas Act, 2020, which were accepted and Form 3 was issued to the assessee on 18.03.2021 by the Income Tax Department. The learned counsel has also filed a memo along with a copy of Form-3 to that effect.

4.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.

5.This court heard the submissions made by the learned counsel on either side, as per which, the assessee has already availed the benefit conferred under the beneficial legislation viz., the Direct Tax Vivad Se Vishwas Act, 2020, enacted for resolution of disputed tax and for matters connected therewith or incidental thereto, which came into force with effect from 17.03.2020; and the declarations submitted by them were also accepted and Form 3 was also issued to the assessee by the Income Tax Department. In view of such development, it is unnecessary for this court to decide the substantial questions of law arisen in these tax case appeals.

6.Therefore, recording the submissions so made by the learned counsel on either side, these appeals stand disposed of, directing the department to process the applications at the earliest in accordance with the Act and communicate the decision to the assessee at the earliest. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Maya

To

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

2. The Commissioner of Income Tax
   Madurai.

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

4. The Deputy Commissioner of Income Tax,
   Company Circle – I,
   Madurai.

+1cc to Mr.M.Swaminathan, Advocate, S.R.No.68415

Tax Case Appeal Nos. 331 & 800 of 2015

KV(CO)
RGA(05/01/2022)