IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM

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

Tax Case Appeal No.449 of 2015

Pushpa C.Kataria ... Appellant

Vs.

The Income Tax Officer,
Ward XI (4), Chennai. ... Respondent

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "D" Bench, dated 30.04.2014 passed in I.T.A.No.1893/Mds/2013.

and against the order passed by Commissioner of Income Tax (Appeals)IV, 121,Mahatma Gandhi Road, Nungambakkam, Chennai-34, dated 18/04/2013 and made in ITA No.102/2012 for the Assessment year 2006-2007.

For Appellant : Mr.R.Sivaraman
For Respondent : Mr.M.Swaminathan,
Senior Standing Counsel
assisted by Ms.V.Pushpa

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 30.04.2014 passed by the Income Tax Appellate Tribunal, Madras "D" Bench, ('the Tribunal' for brevity) in I.T.A.No 1893/Mds/2013 for the assessment year 2006-07.

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2.The appeal was admitted on 22.07.2015 on the following Substantial Questions of Law:

> “1)Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in directing the respondent to confine minimum penalty only qua disallowance/addition of Rs.40 lakhs?
>
> 2)Whether on the facts and in the circumstances

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of the case, the Appellate Tribunal was right in law in confirming the minimum penalty of Rs.40 lakhs based on the estimated addition with regard to bogus purchase of Rs.40 lakhs when the appellant had discharged her burden by producing confirmation letters from her creditors?"

3.We have heard Mr.R.Sivaraman, learned counsel for the appellant/assessee and Mr.M.Swaminathan, learned Senior Standing Counsel for the respondent/Revenue.

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 17th March 2020 and published in the Gazette of India on 17th March 2020.

5.We are informed by the learned counsel for the appellant/assessee that the assessee had already been issued with Form - 3 on 04.01.2021 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

6.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

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Sub Assistant Registrar

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To

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

2. The Income Tax Officer,

Ward XI (4), Chennai.

3.The Commissioner of Income Tax (Appeals)-IV,
121, Mahadma Gandhi Road,
Nungabakkam , Chennai-34.

Tax Case Appeal No.449 of 2015

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