IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

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

Tax Case Appeal Nos.521 to 526 of 2015

S.Kavithaa ... Appellant in all TCAs

Vs.

Assistant Commissioner of Income Tax,
Central Circle - I (2),
Chennai - 600 034. ... Respondent in all TCAs

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 12.12.2013 passed in I.T.A.Nos.1984 to 1989/Mds/2012 for the Assessment Year 2003-04,2004-2005,2005-2006,2006-2007, 2007-2008, 2008-2009 respectively Against the order of the Commissioner of Income Tax Appeals I,No.46 Mahatma Gandhi Road,Nungambakkam Road, Chennai 600034 dated 14.08.2012 in ITA.NO.72,73,74,75,76,77/2011-2012/Assistant Commissioner of Income Tax,Central Circle I(2),No.46 MG Road,Chennai 34 dated 30.06.2011 PAN.AACPK 5957/A Penalty/2003-04 A III in the Assessment Year 2003-04,2004-2005,2005-2006,2006-2007, 2007-2008, 2008-2009 respectively

For Appellant (in all cases) : Ms.Sriniranjani Srinivasan

For Respondent (in all cases) : Mr.T.R.Senthil Kumar, Senior Standing Counsel

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

These appeals filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 12.12.2013 passed by the Income Tax Appellate Tribunal, Chennai "A" Bench, ('the Tribunal' for brevity) in I.T.A.Nos.1984 to 1989/Mds/2012 for the assessment years 2003-04 to 2008-09. The appeals were admitted on 24.07.2015 on the following Substantial Questions of Law:

" 1) Whether on the facts and in the circumstances of the case, the Tribunal is right in restoring the penalty under Section 271(1)(c) when the sworn statements recorded clearly show that the income was earned by the appellant's father and invested in the name of the appellant?

2)Whether on the facts and circumstances of the case, the Tribunal is right in restoring the penalty under Section 271(1)(c) when the additions had been made only on the basis of the offer made by the appellant's father in good faith and to avoid litigation?

3)Whether explanation 5A to Section 271(1)(c) is applicable to a situation where there was no finding by the Department that the assessee was the owner of any money bullion, jewellery or other valuable investment etc., not disclosed to the department, but additions were made only on the basis of offer by the assessee's father ?"

2. We have heard Ms.Sriniranjani Srinivasan, learned counsel for the appellant/assessee and Mr.T.R.Senthil Kumar, 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 10.12.2020 for all the assessment years 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, all the Tax Case Appeals stand dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//   Sub Assistant Registrar va

To

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

2.The Assistant Commissioner of Income Tax,
Central Circle - I (2),
Chennai - 600 034.

3. The Commissioner of Income Tax Appeals I,
No.46 Mahatma Gandhi Road,Nungambakkam Road,
Chennai 600034

+1cc to Ms.Sriniranjani Srinivasan, Advocate SR.No. 3860

Tax Case Appeal Nos.521 to 526 of 2015
(6 cases)

AD co
A.SK(16.02.2021).