IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM

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

Tax Case Appeal No.527 of 2015

Smt.S.Kavithaa ... Appellant

Vs.

Asst. Commissioner of Income Tax
Central Circle - I (2),
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 "A" Bench, dated 12.12.2013 passed in I.T.A.No.2282/Mds/2012.

Against the order of the commissioner of Income Tax (Appeals) I Chennai 34 dated 10/09/2012 in ITA No.78/11-12 for the assessment year 2009-10

against the order of the Assistant Commissioner of Income Tax, Central Circle-1(2), Chennai-34. Dated 30/06/2011 in Pan.AACPK5957A/penalty/2009-2010.

For Appellant : Mrs.S.Kavitha
for M/s.J.Sree Vidhya

For Respondent : Mr.T.R.Senthil Kumar
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 12.12.2013 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.2282/Mds/2012 for the assessment year 2009-2010. The above appeal has been admitted on 23.07.2015 on the following Substantial Questions of Law:

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

ii)Whether on the facts and in the circumstances of the case, the Tribunal is right in restoring the penalty under Section 271AA, when the additions had been made only on the basis of the offer made by the appellant's husband in good faith and to avoid litigation and the tax has been paid in full?"

2. We have heard Mrs.S.Kavitha for M/s.J.Sree Vidhya, 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 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

//True Copy//

Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal, Madras "A" Bench
Chennai.34

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

3.The Commissioner of Income Tax Appeals I
Chennai.34

+1 cc to M/s.Senthil kumar,Advocate Sr.No. 11077
+1 cc to M/s.Baskar, Advocate Sr.No. 10986

Tax Case Appeal No.527 of 2015

MG(CO)
RMP(16/03/2021)