IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R. HEMALATHA

Tax Case Appeal Nos.171 and 172 of 2013

Dr. M A M Ramaswamy,
Chettinad House,
Raja Annamalaipuram,
Chennai - 600 028. ... Appellant in both appeals

Vs.

The Assistant Commissioner of Income Tax,
Company Circle-I(3),
Chennai. ... Respondent in both appeals

Tax Case Appeals in T.C.A.Nos.171 and 172 of 2013 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "B" Bench, dated 18.09.2012 passed in I.T.A.Nos.1991/Mds/2010 and 1992/Mds/2010 respectively.

Prayer in TCA NO.171 of 2013:

against the appellate order passed by the Commissioner of Income Tax (A)-III dated 28/09/2010 made in ITA No.291/07-08/A-III, for the Assessment Year 2005-2006, against the Assessment order passed by the Additional Commissioner of Income Tax Company Range-1, Chennai, dated 29/11/2007 made in CL NO./PA No.AAJPR4449M/3783R for the Assessment Year 2005-2006.

Prayer in TCA No.172 of 2013:

against the appellate order passed by the Commissioner of Income Tax (A)-III, Chennai, dated 29/09/2010 made in ITA No.596/09-10/A-III for the Assessment Year 2006-07 and against the Assessment order passed by the Assistant Commissioner of Income Tax Company Circle -I(3), Chennai-34, dated 31/12/2009 made in GIR/PAN.AAJPR4449M for the Assessment Year 2006-2007

For Appellant : Mr.M.Kaushik
for Mr.S.Sridhar
in both appeals

For Respondent : Mr.T.R.Senthil Kumar
Senior Standing Counsel
and Mrs.K.G.Usha Rani
Standing Counsel
in both appeals

COMMON JUDGMENT
(Delivered by M.DURAISWAMY, J.)

The above appeals filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), are directed against the order dated 18.09.2012 passed by the Income Tax Appellate Tribunal, Chennai "B" Bench, ('the Tribunal' for brevity) in I.T.A.Nos.1991/Mds/2010 and 1992/Mds/2010 for the assessment years 2005-06 and 2006-07 respectively. The above appeals were admitted on 19.04.2013 on the following substantial questions of law :

> "1.Whether the Appellate Tribunal is correct in law in rejecting the claim of deduction under Section 80 IB(10) of the Act relating to the housing project developed by the appellant on the wrong interpretation/misreading of the provisions as well as consequential wrong reckoning of the date of commencement of the said project resulted in perversity?
>
> 2.Whether the Appellate Tribunal is correct in law in rejecting the claim of deduction under Section 80IB(10) of the Act comprised of the profits earned from the sale of eligible flats constructed in the housing project even after overruling impliedly the other findings of the respondent relating to the further conditions prescribed in the said section?"

2. We have heard Mr.M.Kaushik for Mr.S.Sridhar, learned counsel for the appellant/ assessee and Mr.T.R.Senthil Kumar, learned Senior Standing Counsel and Mrs.K.G.Usha Rani, 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 04.03.2021 and the learned counsel for the appellant seeks permission of this Court to withdraw the above appeals.

5. In view of the submission made by the learned counsel for the appellant/assessee, the above Tax Case Appeals stand dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Chennai "B" Bench, Chennai.

2. The Assistant Commissioner of Income Tax,
   Company Circle-I(3),
   Chennai.

3. The Commissioner of Income Tax (A)-III,
   Chennai.

4. The Additional Commissioner of Income Tax,
   Company Range-1, Chennai.

+1cc to Mr.T.R.Senthilkumar, Advocate Sr.26520

T.C.A. Nos.171 and 172 of 2013

ev[co]
srg 09/07/2021