IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

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

Tax Case Appeal Nos.203 & 214 of 2013

M/s.Ramgosri Constructions P. Ltd.,
No.225, Mettukuppam,
Okkiam, Thoraipakkam,
Chennai - 600 096. ... Appellant in both TCAs

Vs.

The Deputy Commissioner of Income Tax,
Company Circle - V(3),
Chennai - 600 034. ... Respondent in both TCAs

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "C" Bench, dated 25.02.2011 passed in I.T.A.Nos.2047 & 2048/Mds/ 2010.

Appeal filed against the order dated 26/08/2010 made in ITA No.134-136/08-09, 137/08-09 on the file of the Commissioner of Income Tax (Appeals) V Chennai-34 for the Assessment Year 2000-01, 2001-02, 2003-04, 2006-07 against the order dated 25.11.2008, 11.12.2008 made in PAN/G.I.No.AABCR9988E on the file of the Commissioner of Income Tax Company Circle-V (3) Chennai for the Assessment Year 2003-04, 2006-07.

For Appellant : Mr.M.Kaushik
for Mr.S.Sridhar

For Respondent : Mr.T.Ravikumar
Senior Standing Counsel

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C O M M O N J U D G M E N T
(Delivered by M.DURAISWAMY, J.)

These appeal filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), are directed against the order dated 25.02.2011 passed by the Income Tax

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Appellate Tribunal, Madras "C" Bench, ('the Tribunal' for brevity) in I.T.A.Nos.2047 & 2048/Mds/2010 for the assessment years 2003-04 & 2006-07. The assessee has raised the following Substantial Questions of Law:

> "1)Whether the Appellate Tribunal is correct in law in accepting the appeal (s) of the department/respondent exparte relating to the assessment years 2003-04 & 2006-07 without granting reasonable opportunity of hearing while grossly violating the principles of natural justice?
>
> 2)Whether the Appellate Tribunal is correct in law in rejecting the please for claim of business loss which loss was set off against the property income earned in the computation of taxable total income relating to the assessment year 2003-04 without considering relevant materials while overlooking the findings of the CIT (Appeals) which resulted in perversity in the order passed by them?
>
> 3)Whether the Appellate Tribunal is correct in law in rejecting the plea for claim of business loss which loss was set off against the property income earned in the computation of taxable total income relating to the assessment year 2006-07 without considering relevant materials while overlooking the findings of the CIT (Appeals) which resulted in perversity in the order passed by them?
>
> 4)Whether the Appellate Tribunal is correct in law in rejecting the issues on the allowability of expenses in the computation of business loss which was so presumed legally in view of the non consideration of the said issues, which issues relating to the incurring of expenses were considered and allowed by the CIT (Appeals) in the computation of business loss which loss was sought to be set off against property income earned in the computation of taxable total income, resulting in perversity in the order passed by them?"

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2. We have heard Mr.M.Kaushik, learned counsel for the appellant/ assessee and Mr.T.Ravikumar, 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 28.01.2021 in respect of T.C.A.No.203 of 2013 and on 21.01.2021 in respect of T.C.A.No.214 of 2013 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeals.

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

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1.The Income Tax Appellate Tribunal,
Madras "C" Bench

2.The Assistant Commissioner of Income Tax,
Company Circle - V(3),
Chennai - 600 034.

3.The Commissioner of Income Tax,
(Appeals)V, Chennai-34.

+1cc to Mr.T.Ravi Kumar, Advocate Sr.6012

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