IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

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

Tax Case Appeal No.363 of 2013

M/s. Ransar Industries Ltd.,
(Now CRI Pumps (P) Ltd.,
7/46, Keeranatham Road,
Saravanampatti,
Coimbatore - 641 035. ... Appellant

v.

The Assistant Commissioner of Income Tax,
Company Circle -IV(2),
Coimbatore - 641 018. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, "D" Bench, Chennai dated 04.04.2013 passed in I.T.A.No.1825/Mds/2010 for the assessment year 2007-08.

and against the O/o Commissioner of Income Tax (Appeals)-1, Coimbatore, and made in 230/2009-2010 in order dated 17/08/2010 and against the Income Tax Department Assistant Commissioner of Income -Tax, Company Circle IV(2). Coimbatore, and made in Pan.No.AABCR2862H, on order dated 17/12/2009, in the Assessment Year 2007-2008.

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

For Respondent : Mr.T.R. Senthil Kumar
Senior Standing Counsel
Asst.by Ms. K.G. Usha Rani
Junior Standing Counsel

J U D G M E N T

(Judgment was 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 04.04.2013 passed by the Income Tax Appellate Tribunal, "D" Bench, Chennai ('the Tribunal' for brevity) in I.T.A.No.1825/Mds/2010 for the assessment year 2007-08.

2. The appeal was admitted on 04.11.2013 on the following Substantial Questions of Law:

> " Whether on the facts and circumstances of the case, the Income Tax Appellate Tribunal is right in law in rejecting the claim of the appellant for additional depreciation in relation to assessment year 2007-08 in respect of machinery acquired during the periods 2002-03 to 2005-06?"

3. We have heard Mr. M. Kaushik, learned counsel for the appellant and Mr.T.R. Senthil Kumar, learned Senior Standing Counsel, learned Standing Counsel for the respondent.

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 has already filed the requisite Form - 1 on 27.01.2021 under Section 4 of the Act.

6. . In the light of the fact that the assessee has already availed the benefit under the Act, no useful purpose would be served in keeping this appeal pending. At the same time, safeguarding the interest of the assessee in the event the order to be passed by the Department under the Act is not in favour of the assessee. Accordingly, the Tax Case Appeal stands disposed of on the ground that the assessee has already filed requisite Form - 1 and the Department shall process the application at the earliest in accordance with the said Act and communicate the decision to the assessee at the earliest. As observed, the assessee is given liberty to restore this appeal in the event the ultimate decision to be taken on the declaration filed by the assessee under Section 4 of the said

Act is not in favour of the assessee. If such a prayer is made, the Registry shall entertain the prayer without insisting upon any application to be filed for condonation of delay in restoration of the appeal and on such request made by the assessee by filing a Miscellaneous Petition for Restoration, the Registry shall place such petition before the Division Bench for orders.

7. With these observations, the Tax Case Appeal stands disposed of with the aforementioned liberty and Consequently, the Substantial Questions of Law are left open. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj
To

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

2. The Assistant Commissioner of Income Tax,
Company Circle -IV(2),
Coimbatore - 641 018.

3. The Commissioner of Income Tax Appeals, Coimbatore.

+1 cc to M/s.T.R.Senthil kumar, Advocate Sr.No. 6395

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RR(CO)
RMP(03/03/2021)