IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

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

Tax Case Appeal Nos.662 to 669 of 2013

The Commissioner of Income Tax,
Chennai. ... Appellant in all 8 TCAs

Vs.

M/s.Venbro Investments & Financial Services Limited,
"Gnanananda" No.52, Dr.Ranga Road,
Mylapore, Chennai - 600 004. ... Respondent in all 8 TCAs

T.C.A.No.662 to 665 of 2013 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "D" Bench, dated 03.12.2012 passed in I.T.A.Nos.1784 to 1787/Mds/2012.

T.C.A.No.666 to 669 of 2013 filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "D" Bench, dated 03.12.2012 passed in CO.Nos.180 to 183 of 2012 in I.T.A.Nos.1784 to 1787/Mds/2012.

And against the order of the Commissioner of Income Tax (Appeals)-III, Chennai - 34 dated 22/06/2012 and made in ITA.No. 359, 358, 357 & 356/09-10/A-III.

Against the order of the Deputy commissioner of Income Tax Company Circle III (4), Chennai, dated 30/12/2009 under Section 143 (3) r/w section 147 rws 144A of the Income Tax Act for the assessment Year 2004-05, 2005-06, 2006-07, 2007-08.

For Appellant (in all 8 TCAs) : Mr.M.Swaminathan, Senior Standing Counsel and Ms.V.Pushpa, Standing Counsel

For Respondent (in all 8 TCAs) : Mr.N.Devanathan

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

The appeals in T.C.A.Nos.662 to 665 of 2013 filed by the Department under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), are directed against the order dated

03.12.2012 passed by the Income Tax Appellate Tribunal, Madras "D" Bench, ('the Tribunal' for brevity) in I.T.A.Nos.1784 to 1787/Mds/2012 for the assessment years 2004-05, 2005-06, 2006-07, 2007-08. The appeals in T.C.A.Nos.666 to 669 of 2013 filed by the Department under Section 260A of the Income Tax Act, 1961 are directed against the order dated 03.12.2012 passed by the Income Tax Appellate Tribunal, Madras "D" Bench in CO.Nos.180 to 183 of 2012 in I.T.A.Nos.1784 to 1787/Mds/ 2012 for the assessment years 2004-05, 2005-06, 2006-07, 2007-08.

2.On 08.07.2014, the appeals were admitted on the following Substantial Questions of Law:

> "1)Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the reopening of the assessment was bad in law?
>
> 2)Whether the Tribunal was right in allowing the interest expenditure under Section 36(1)(iii) without reference to Section 14A of the Income Tax Act?"

3.We have heard Mr.M.Swaminathan, learned Senior Standing counsel for the appellant/Revenue and Mr.N.Devanathan, learned counsel for the respondent/assessee.

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 17^{th} March 2020 and published in the Gazette of India on 17^{th} March 2020.

5.The learned counsel for the respondent/assessee submitted that the respondent/assessee had availed Vivad Se Vishwas Scheme and that the Department had also issued Form - 3 on 07.12.2020.

6. Since the assessee has been issued with Form - 3, nothing survives for adjudication in the above appeals. Recording the submission made by the learned counsel for the respondent/assessee, the Tax Case Appeals stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Income Tax Appellate Tribunal, Madras "D" Bench

2.The Commissioner of Income Tax (Appeals)-III,
Chennai - 34.

3.The Deputy Commissioner of Income Tax,
Company Circle III (4), Chennai.

+1cc to Mr.M.Swaminathan, Advocate, S.R.No. 12019

Tax Case Appeal Nos.662 to 669 of 2013

GP(CO)
GN(24/03/2021)