IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM

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

Tax Case Appeal No.675 of 2013

A.V. Anoop,
No.1291, Kambar Colony,
18th Main Road, Anna Nagar West,
Chennai - 600 040. ... Appellant

v.

Assistant Commissioner of Income Tax,
Company Circle - I(3),
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, "C" Bench, Chennai dated 25.06.2013 passed in ITA.No.461/Mds/2013 for the Assessment Year 2009-2010. Preferred against the order of the Commissioner of Income Tax (appeals)-III, Chennai-34 dated 07.12.2012 made in ITA.No.360/A - III, Preferred against the order passed by the Assistant Commissioner of Income Tax, Company circle-I(3), Chennai-34 dated 31.12.2011 for the Assessment year 2009-10.

For Appellant : Mr. Arun Joseph
for Mr. G. Vardini Karthik

For Respondent : Mr.T. Ravikumar
Senior 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 25.06.2013 passed by the Income Tax Appellate Tribunal, "C" Bench, Chennai ('the Tribunal' for brevity) in I..TA.No.463/Mds/2013 for the Assessment Year 2009-2010.

2. 3.The appellant has raised the following substantial questions of law in the grounds of appeal :

> " (i) Whether on the facts and in the circumstances of the case, the Tribunal was right in treating the profit from sale of agricultural land as business profits merely because the assessee also had a real estate business?
>
> (ii) Whether on the facts and in the circumstances of the case, the Tribunal was right in giving a perverse finding of fact that there was no evidence that assessee was carrying on agricultural activities and income earned was not shown as agricultural income in the earlier years, when the finding of the CIT(A) regarding the cultivation carried on by the assessee and the agricultural Income returned was not challenged by the Revenue?
>
> (iii) Whether on the facts and in the circumstances of the case, the Tribunal was right in taking a view contrary to that of a co-ordinate bench, that too, one is which one of the members is commons?"

3. We have heard Mr. Arun Joseph, learned counsel for the appellant and Mr. T.Ravikumar, learned Senior Standing Counsel for the respondent.

4. It may not be necessary for this Court to decide the Substantial Question 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 that the assessee has already been issued with Form - 3 on 22.12.2020 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

6. 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

Rj

To

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

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

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

+1 cc to Mr.T.Ravikumar, Advocate Sr No. 19754
+1 cc to M/s.G.Vardini Karthik, Advocate Sr No.19798

Tax Case Appeal No.675 of 2013
26.03.2021

PM(CO)
RG.23.04.2021(3P/6C)