IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

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

Tax Case Appeal No.206 of 2020

Principal Commissioner of Income Tax,
Central - 1,
No.108, Nungambakkam High Road,
Chennai - 600 034. ... Appellant

Vs.

M/s.Hotel Saravana Bhavan,
C/o.T.N.Seetharaman, Advocate,
No.384, (Old No.196), Lloyds Road,
Chennai - 600 086. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "A" Bench, dated 22.11.2019 passed in I.T.A.No.474/Chny/2019 against the order passed by the Commisioner of Income Tax (A)18,Chennai dated 14.01.2019 made in ITA.NO.405/16-17 and against the order passed by the Assistant Commisioner of Income Tax,Central Circle -I(3), Chennai, dated 22.05.2017 made in PAN:AABFH3049 M.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel
and Mrs.K.G.Usha Rani
Standing Counsel

For Respondent : Mr.R.Kumar

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

This appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 22.11.2019 passed by the Income Tax Appellate Tribunal, Chennai "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.474/Chny/2019 for the assessment year 2014-15. The above appeal has been admitted on 13.08.2020 on the following Substantial Questions of Law:

"1.Whether on the facts and in the circumstances of the case, the Appellate Tribunal was correct in law in directing the Assessing Officer to levy the penalty under Section 271AAB of the IT Act at 10% of the undisclosed income?

2.Whether on the facts and in the circumstances of the case, the Appellate Tribunal was correct in law in not appreciating the fact that the assessee did not file the return of income before the specified due date and therefore the assessee's case falls squarely under sub clause (c) of sub section (1) of Section 271AAB of the I.T. Act?”

2. We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel and Mrs.K.G.Usha Rani, learned Standing Counsel for the appellant/Revenue and Mr.R.Kumar, learned counsel for the respondent/assessee.

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.Learned counsel for the respondent/assessee submitted that the assessee had availed the Vivad Se Vishwas Scheme and that the respondent/assessee had already been issued with Form-3 on 30.03.2021.

5.Since the respondent/assessee had been issued with Form-3, nothing survives for adjudication in the above appeal. Recording the submission made by the learned counsel for the respondent/assessee, the Tax Case Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. Income Tax Appellate Tribunal, Chennai "A" Bench

2.The Principal Commissioner of Income Tax,
Central - 1,
No.108, Nungambakkam High Road,
Chennai - 600 034.

3.The Commisioner of Income Tax (A)18,Chennai

4.The Assistant Commisioner of Income Tax,Central Circle -I (3),Chennai.

+1cc to Mr.T.R.Senthil Kumar , Advocate SR.No. 23831

Tax Case Appeal No.206 of 2020

A.SK(11.06.2021)