IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

Tax Case Appeal Nos. 459 to 462 and 469 to 472 of 2016
and
C.M.P. Nos. 9538 to 9540 and 9668 to 9671 of 2016

Shri R.Panneerselvam (Individual)
No.43, Sarangapani Street
T.Nagar, Chennai – 600 017.
PAN: AAGPP5343K

... Appellant in all Tax Case Appeals/Respondent

Vs.

The Assistant Commissioner of Income Tax
Business Circle II
Chennai-600 034.

... Respondent in all Tax Case Appeals/Appellant

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, "C" Bench Chennai, dated 04.09.2015 passed in I.T.A.Nos.1484, 1487, 1488 & 1489/Mds/2012 and C.O.Nos. 155, 158, 159 & 160/Mds/2021 in I.T.A.Nos.1484, 1487, 1488 & 1489/Mds/2012 for the Assessment Years 2003-04, 2005-06, 2006-07 & 2007-08 against the order of the Commissioner of Income Tax (Appeals-VI), Chennai-34, dated 30.04.2012 in ITA.No.637,639,641 & 642/10-11 against the order of the Assistant Commissioner of Income Tax, Business Circle-II, Chennai-34, dated 31.12.2010 in P.A.No./G.I.R.No. AAGPP5343K against the order of the Assistant Commissioner of Income Tax Circle-II, Chennai-34, dated 21.02.2006 in PAN No.AAGPP5343K for the Assessment Years 2003-04 2005-06 & 2007-08.

For Appellant : Mr. A.S.Sriraman in all Tax Case Appeals

For Respondent : Mr. T.Ravikumar in all Tax Case Appeals

COMMON JUDGMENT

(Judgment was delivered by R. MAHADEVAN, J.)

These Tax Case Appeals have been filed by the Assessee, challenging the order dated 04.09.2015 passed by the Income Tax Appellate Tribunal, 'C' Bench, Chennai, for the Assessment years 2003-04, 2005-06, 2006-07, 2007-08, by raising the following substantial questions of law:-

> “1.Whether the Appellate Tribunal is correct in law to sustain the addition partly on the presumption of sales suppression establishing perversity in their findings consequent to the misconstruction of the details scrutinized by the Respondent while overlooking the trade practice?
>
> 2.Whether the Appellate Tribunal is correct in law in confirming the estimation of lodging receipts without justifying the basis as well as without further establishing the reasonableness in making such estimate for the purpose of making addition in the computation of taxable total income?
>
> 3.Whether the Appellate Tribunal is correct in sustaining the additions made by extrapolating the survey results to the earlier Assessment Years which happened to be the Assessment Years under consideration even though there were no reasons for presumption of such practice of suppression of sales as well as room rent and not backed by any materials unearthed in the survey?”

2.When the matters were taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of these tax case appeals, the assessee has filed the requisite Forms 1 and 2 under Section 4 (1) of the Direct Tax Vivad Se Vishwas Act, 2020, which were accepted and Form 3 was issued to the assessee on 02.11.2020 by the Income Tax Department. The learned counsel has also filed a memo to that effect.

3.The aforesaid submission made by the learned counsel for the appellant / assessee has also been fairly conceded by the learned senior standing counsel appearing for the respondent / Revenue.

4.This court heard the submissions made by the learned counsel on either side, as per which, the assessee has already availed the benefit conferred under the beneficial legislation viz., the Direct Tax Vivad Se Vishwas Act, 2020, enacted for resolution of disputed tax and for matters connected therewith or incidental thereto, which came into force with effect from 17.03.2020; and the declarations submitted by them were also accepted and Form 3 was also issued to the assessee by the Income Tax Department. In view of such development, it is unnecessary for this court to decide the substantial questions of law arisen in these tax case appeals.

5.Therefore, recording the submissions so made by the learned counsel on either side, these appeals stand disposed of, directing the department to process the applications at the earliest in accordance with the Act and communicate the decision to the assessee at the earliest. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Chennai “C” Bench

2. The Commissioner of Income Tax (Appeals – VI),
   Chennai – 34.

3. The Assistant Commissioner of Income Tax
   Business Circle II
   Chennai-600 034.

+1cc to Mr.S.Sridhar, Advocate, S.R.No.58746

+2ccs to Mr.T.Ravikumar, Advocate, S.R.No.58314, 58315

T.C.A.Nos. 459 to 462 and 469 to 472 of 2016

SSD(CO)
SU(05/01/2022)