IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM

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

Tax Case Appeal Nos.50 to 52 of 2016

M/s.AVM Film Studios,
38, Arcot Road, Vadapalani,
Chennai ..Appellant in all 3 TCAs

Vs.

Income Tax Officer,
Media Ward - I,
121, Nungambakkam High Road,
Chennai - 600 034. ... Respondent in all 3 TCAs

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, dated 08.07.2015 passed in I.T.A.Nos.2000/Mds/2012, 1358/Mds/2015 and 1359/Mds/2015

against the order of the Commissioner of Income Tax (Appeals)-VI, Chennai dated 25/07/2012 made in ITA.No.608/2010-11

against the order of the Income Tax Offier, Ward -I, Chennai, dated 31/12/2020 u/s.143(3) of the Income Tax Act, 1961 for the assessment year 2008-09.

against the order of the Commissioner of Income Tax Appeals -14, Chennai, dated 27/03/2015 made in ITA.No.111 & 24/13-14 CIT(A)-14.

against the order of the Income Tax Officer, Media Ward-I, Chennai, dated 19/03/2013 and 17/02/2014 u/s.143(3) r/w. 147 of the Income Tax Act 1961 for the assessement year 2007-08 and 2011-12.

For Appellant (in all 3 TCAs) : Mr.V.S.Jayakumar

For Respondent (in all 3 TCAs) : Ms.V.Pushpa, Standing Counsel

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

These appeal filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), are directed against the order dated 08.07.2015 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, Chennai ('the Tribunal' for brevity) in I.T.A.Nos.2000/Mds/2012, 1358/Mds/ 2015 and 1359/Mds/2015 for the Assessment Years 2008-09, 2007-08 and 2011-12. The above appeals were admitted on 25.01.2016 on the following Substantial Question of Law for consideration:

> "Whether the Tribunal is right in holding that the receipt of money in entirety received by the assessee upon lease of distribution, execution of pictures, assignment of veo rights, etc., is taxable as income upon the interpretation of Sections 4, 5 and 145 of the Income Tax Act, 1961 and the income admitted by the assessee on a proportionate basis is not acceptable?""

2. We have heard Mr.V.S.Jayakumar, learned counsel for the appellant/ assessee and Ms.V.Pushpa, learned Standing Counsel for the respondent/ Revenue.

3. 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.

4. We are informed by the learned counsel for the appellant/assessee that the assessee has already filed the requisite Forms 1 & 2, in all the three appeals on 10.12.2020 under Section 4 of the Act.

5. 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 these appeals 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 Appeals stand disposed of on the ground that the assessee has already filed the requisite Forms 1 & 2 in all the three appeals 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 these appeals in the event the ultimate

decision to be taken on the Forms 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 appeals 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.

6. With this observation, the Tax Case Appeals stand disposed of with the aforementioned liberty and consequently, the Substantial Question of Law is left open. No costs.

Sd/-
Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

1.The Income Tax Appellate Tribunal, Madras "B" Bench

2.The Income Tax Officer, Media Ward - I,
121, Nungambakkam High Road, Chennai - 600 034.

3.The Commissioner of Income Tax(Appeals)-VI, Chennai.
4.The Commissioner of Income Tax Appeals -14, Chennai.

+1cc to Mr.V.S.Jayakumar, Advocate Sr.No.6004
+1cc to Mr.M.Swaminathan, Advocate Sr.No.6398

AKM/23.2.21 /3P-7C/