IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

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

Tax Case Appeal No.502 of 2016

The Commissioner of Income Tax,
Chennai. ...Appellant/Respondent

Vs.

M/s.A.R.Housing (P) Ltd.,
No.32, Nathamuni Street,
Naduvankarai, Anna Nagar East,
Chennai - 600 040. ...Respondent/Appellant

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "C" Bench, dated 11.09.2015 passed in I.T.A.No.623/Mds/2015 against the order dated 30.01.2015 on the file of the Commissioner of Income Tax (Appeals)-1 Chennai 34 made in I.T.A.No.470/13-14/A-1 for the Assessment year 2007-2008 and against the order dated 30.03.2013 on the file of the Income Tax Officer, Company Ward-1(1), Chennai 34 made in GIR/PAN AACFT5274H for the Assessment year 2007-2008.

For Appellant : Mr.T.Ravikumar
Senior Standing Counsel

For Respondent : Mr.R.Venkata Narayanan
for M/s.Subbaraya Aiyar

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 11.09.2015 passed by the Income Tax Appellate Tribunal, Chennai "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.623/Mds/2015 for the assessment year 2007-08. The above appeal has been admitted on 27.07.2016 on the following Substantial Questions of Law:

"1.Whether the finding of the Tribunal is proper by holding that the capital gains tax paid Estate of Meera Dawson is to be considered as tax paid by the assessee?

2.Whether the finding of the Tribunal is proper especially when the receipt in the hands of the assessee in the capacity as confirming party is in the nature of business income and liable to be taxed as determined by the CIT(A)?

3.Is not the finding of the Tribunal wrong and perverse by introducing the fiction of Section 50 C especially when the said issue was not all discussed in the assessment order nor in the CIT (A) order?

4.Whether the finding of the Tribunal is proper especially when the assessee has claimed exemption stating that the profit on sale of property is to be taxed separately as AOP and that too without providing its claim?"

2. We have heard Mr.T.Ravikumar, learned Senior Standing Counsel for the appellant/Revenue and Mr.R.Venkata Narayanan for M/s.Subbaraya Aiyar, 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 10.12.2020.

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.

s/d-

Assistant Registrar(CS III)

True Copy

Sub-Assistant Registrar

To

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

2. The Commissioner of Income Tax,
   Chennai.

3. The Income Tax Officer
   Company Ward 1(1) Chennai 34.

4. The Commissioner of Income Tax (Appeals)-1
   Chennai 34.

+1 CC to M/s. Subbaraya Aiyar, Advocate sr 24192.
+1 CC to Mr.T. Ravi Kumar, Advocate sr 23826.

Tax Case Appeal No.502 of 2016

SR(CO)
SP(18/06/2021)