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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

T.C.A.Nos.503 to 506 of 2016

The Commissioner of Income Tax,
Chennai. ..Appellant in all T.C.As.

vs.

M/s.Indian Bank,
254-260 Avvai Shanmugam Salai,
Chennai – 600 014. ..Respondent in all T.C.As.

Common Prayer: Tax Case Appeals filed under Section 260-A of the Income Tax Act, 1961 against the order passed by the Income Tax Appellate Tribunal made in M.P.Nos.137, 138, 139 & 140/Mds/2012 in I.T.A.Nos.470 to 472/Mds/2010 & I.T.A.No.08/Mds/2007 relating to the Assessment year 2004-05, 2005-06, 2006-07 & 2003-04, respectively against the order of the Commissioner of Income Tax (A)-III, Chennai-34 in ITA No.720/06-07/A-III dated 21/01/2010, ITA No.590/07-08/A-III dated 21/01/2010, ITA No.565/08-09/A-III dated 21/01/2010 and ITA No.353/2006-07/A-III dated 23/11/2006 against the Assessment order of the Additional Commissioner of Income Tax, Company Range-II, Chennai dated 29/12/2006, 31/12/2007, 31/12/2008, 31/03/2006, respectively.

For Appellant in all T.C.As. : Mr.Karthik Ranganathan

For Respondent in all T.C.As. : Mr.G.Baskar

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COMMON JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

These appeals are directed against the order passed by the Income Tax Appellate Tribunal 'D' Bench, Chennai in M.P.Nos.137, 138, 139 & 140/Mds/2012 in I.T.A.Nos.470 to 472/Mds/2010 and I.T.A.No.08/Mds/2007 relating to the Assessment year 2004-05, 2005-06, 2006-07 & 2003-04, respectively.

2. The Revenue had filed those Miscellaneous Petitions to consider the amendment in Section 115JB(2) of the Income Tax Act, 1961, which was brought into statute by the Finance Act, 2012. The said applications were dismissed by the Tribunal stating that the amendment, which was introduced in Section 115JB of the said Act, has the effect only prospectively from the Assessment Year 2013-14 and not earlier and the Tribunal had rightly applied the law as on that date and dismissed the applications.

3. It is now stated by the appellant/Revenue that the main I.T.As. were also disposed of and the appeals against the same preferred by the Revenue in T.C.A.Nos.323, 324, 325 & 327 of 2016 are also ripe for hearing.

4. As these appeals are arising out of the orders passed in the Miscellaneous Petitions and the question involved is the applicability of Section 115JB(2) of Income Tax Act, 1961, we are of the view that the appellant/Revenue may be given liberty to agitate this issue when the main appeals are taken up for hearing.

5. With the said liberty, these Tax Case Appeals are disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

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To

1.The Registrar,
The Income Tax Appellate Tribunal 'D' Bench,
Chennai.

2.The Commissioner of Income Tax,
Chennai.

3.The Additional Commissioner of Income Tax,
Company Range-II,
Chennai.

4.The Commissioner of Income Tax (A)-III,
Chennai-34.

+4ccs to M/s.G.Baskar, Advocate Sr Nos.53990,53991,53992,53993

T.C.A.Nos.503 to 506 of 2016

PPA (CO)
PR (15/11/2021)