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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

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

Tax Case Appeal No.557 of 2016

M/s.TTK Healthcare Ltd
6, Cathedral Road
Chennai - 600 086. ... Appellant

Vs.

The Deputy Commissioner of Income Tax,
Company Circle - III (2),
New Block, 4th Floor,
121, M.G. Road,
Chennai - 600 034. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "D" Bench, dated 02.07.2013 passed in I.T.A.No.1897/Mds/11, against the order passed by the Commissioner of Income Tax (Appeals)-III, Chennai-34 dated 09/09/2011 made in I.T.A.No.573/09-10/A-III for the Assessment Year 2004-2005, against the Assessment order passed by Deputy Commissioner of Income Tax, Company Circle III (4), Chennai dated 29/12/2009 made in GIR No/PAN AABCT3312J for the Assessment Year 2004-2005.

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

For Respondent : Mr.M.Swaminathan
Senior Standing Counsel
assisted by Mrs.V.Pushpa
Standing Counsel

J U D G M E N T

(Delivered by M.DURAISWAMY, J.)

This appeal filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 02.07.2013 passed by the Income Tax

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Appellate Tribunal, Madras "D" Bench, ('the Tribunal' for brevity) in I.T.A.No.1897/Mds/11 for the assessment year 2004-05. The above appeal has been admitted on 10.08.2016 on the following Substantial Question of Law:

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that appellant is not entitled to set off the carried forward depreciation of the amalgamating companies in terms of provisions of Sec.72 A read with Rule 9 C?"

2. We have heard Mr.R.Venkata Narayanan for M/s.Subbaraya Aiyar Padmanabhan, learned counsel for the appellant/assessee and Mr.M.Swaminathan, learned Senior Standing Counsel, assisted by Mrs.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 had already been issued with Form-3 on 03.05.2021 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

5. In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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

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2.The Deputy Commissioner of Income Tax,
Company Circle – III (2),
New Block, 4th Floor,
121, M.G. Road,
Chennai – 600 034.

3.The Commissioner of Income Tax (Appeals)-III,
Chennai-34.

4.The Deputy Commissioner of Income Tax,
Company Circle III (4), Chennai.

+1cc to Mr.M.Swaminathan, Advocate Sr.28775
+1cc to M/s.Subbaraya Aiyar, Advocate Sr.29117

Tax Case Appeal No.557 of 2016

ln[co]
srg 22/07/2021