IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Tax Case Appeal No.61 of 2016

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Sundaram Clayton Ltd.,
No.24, (Old No.8), Haddows Road,
Chennai – 600 006. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, dated 08.11.2004 in I.T.A.No.2326/Mds/1997 and against the order of the Commissioner of Income Tax (Appeals)-VII, Madras, dated 16.10.1997, made in IT Appeal No.45/96-97, and against the order of the Deputy Commissioner of Income Tax, Special Range-II Madras, dated 14.03.1995 made in G.I.No.10-S, Assessment Year 1993-94.

For Appellant :Mr.J.Narayanaswamy
Senior Standing Counsel

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

J U D G M E N T
(Judgment was delivered by T.S. SIVAGNANAM, 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 08.11.2004 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, ('the Tribunal' for brevity) in

I.T.A.No.2326/Mds/1997 for the assessment year 1993-94. The appellant/Revenue has raised the following Substantial Question of Law for consideration :

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the transaction is not hit by the provision of sec.50, even though the assessee had clearly demarcated the depreciable assets sold during the year, as part of the sale of the undertaking, and the transfer price was also fixed after taking into account the value of the depreciable assets, and the immovable assets of the assessee company?"

2. We have heard Mr.J.Narayanaswamy, learned Senior Standing Counsel for the appellant/Revenue and Mr.R.Venkata Narayanan, learned counsel for the respondent/assessee.

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.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 29.04.2021.

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.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Commissioner of Income Tax,
   Chennai.

3. The Commissioner of Income Tax (Appeals) VII,
   Madras.

4. The Deputy Commissioner of Income Tax,
   Special Range II, Madras.

+1cc to Mr.Subbaraya Aiyar, Advocate, S.R.No.48827

Tax Case Appeal No.61 of 2016

BR(CO)
SB(18/10/2021)