IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM

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

Tax Case Appeal No.70 of 2016

M. Sanjay Kumar ... Appellant

v.

The Assistant Commissioner of Income Tax,
Company Circle- VII,
Chennai. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, "A" Bench, Chennai dated 30.01.2015 passed in ITA.No2042/Mds/2014 for the Assessment Year2009-10. Appeal filed against the order of the Commissioner of the Income Tax (Appeals)-II, Chennai, order dated 22/04/2014 made in ITA.No.151/2013-14 preferred against the order of the Assistant Commissioner of Income Tax, Chennai order dated 17.12.2011 made in PAN/GIR.No.AMCPS6903L for the Assessment year 2009-2010.

For Appellant : Mr.Shreekumar
for Mr.R.Sivaraman

For Respondent : Mr. Karthik Ranganathan,
Standing Counsel

J U D G M E N T
(Judgment was Delivered by M.DURAISWAMY, J)

This appeal filed by theassessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 30.01.2015 passed by the Income Tax Appellate Tribunal, "A" Bench, Chennai ('the Tribunal' for brevity) in I..TA.No2042/Mds/2014 for the Assessment Year2009-10.

2. The appeal was admitted on 27.011.2016 on the following Substantial Question s of Law:

> " Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in holding that the addition of Rs.17,00,000/- as 'unexplained' cash deposits u/s 68 of the Act when the appellant had clearly discharged her duty to identify the creditor, prove the credit worthiness of the creditors and the genuineness of the transaction?"

.3. We have heard Mr.Shreekumar , learned counsel for the appellant and Mr. Karthik Ranganathan, learned Standing Counsel for the respondent.

4. 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.

5. We are informed by the learned counsel for the appellant that the assessee has already been issued with Form – 3 on 30.12.2020 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

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 In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn.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

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

Rj

To

1. The Income Tax Appellate Tribunal,
   Chennai "A" Bench

2. The Assistant Commissioner of Income Tax,
   Company Circle- VII,
   Chennai.

3.The Commissioner of Income Tax
(Appeals-II)
Chennai

Tax Case Appeal No.70 of 2016

aa09/03/2021