IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

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

TAX CASE APPEAL NOS.706, 330 AND 331 OF 2016

M/s.Jenneys Residency P. Ltd.,
Soorya Foundation,
Flat No.A-1, I Floor,
No.152, (Old 104), Habibullah Road,
T.Nagar, Chennai - 600 017. ... Appellant
in T.C.A.No.706 of 2016

M/s.Jenneys Residency P. Ltd.,
No.40, Unnamalai Ammal Street, T.Nagar,
Chennai - 600 017.

(Now at : Soorya Foundation,
Flat No.A-1, I Floor,
N.No.152, O.No.104,
Habibullah Road,
T.Nagar, Chennai - 17.) ... Appellant
in T.C.A.Nos.330 & 331 of 2016

Vs.

The Deputy Commissioner of Income Tax,
Corporate Circle 2(2),
Chennai - 600 034. ... Respondent
in T.C.A.No.706 of 2016

The Deputy Commissioner of Income Tax,
Company Circle-II(3),
Chennai - 600 034. ... Respondent
in T.C.A.Nos.330 & 331 of 2016

Prayer in T.C.A.No.706 of 2016 :

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "C" Bench, dated 31.05.2016 passed in I.T.A.No.747/Mds/2016.

Prayer in T.C.A.Nos.330 & 331 of 2016 :

Tax Case Appeals filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "A" Bench, dated 30.06.2015 passed in I.T.A.Nos.1426 and 1427/Mds/2014 respectively.

T.C.A.No.706 of 2016:-

Appeal against the order of the Commissioner of Income Tax (Appeals)-6, Chennai-34 made in ITA.No.257/CIT(A)-6/2014-15, order dated 17.02.2016

Appeal against the order of the Deputy Commissioner of Income Tax Corporate Circle - 2(2), Chennai-34 made in PAN.No.AABCJ3735D, order dated 04.02.2015.

T.C.A.No.330 of 2016:-

Appeal against the order of the Commissioner of Income Tax (Appeals)-II, 121, Mahatma Gandhi Road, Nungambakkam, Chennai-34 made in ITA.Nos.1333 & 1641/2013-14 order dated 18.03.2014.

Appeal against the order of the Income Tax Officer, Company Ward-II(1) Room No.515, New Block, 121, M.G.Road, Chennai-34 made in PAN.No.AABCJ3735D.

T.C.A.No.331 of 2016:-

Appeal against the order of the Commissioner of Income Tax (Appeals)-II, 121, M.G.Road, Nungambakkam, Chennai-34 made in ITA.Nos.1333 & 1641 of 2013-14 order dated 18.03.2014.

Appeal against the order of the Deputy Commissioner of Income Tax, Company Circle II (3), 121, M.G.Road, Chennai-34 made in AABCJ3735D order dated 22.02.2013.

For Appellant : Mr.V.S.Jayakumar
in all appeals

For Respondent : Mr.Karthik Ranganathan
Standing Counsel in all appeals



C O M M O N J U D G M E N T
(Delivered by M.DURAISWAMY, J.)

The above appeals filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), are directed against the orders dated 31.05.2016 passed in I.T.A.No.747/Mds/2016 on the file of the Income Tax Appellate

Tribunal, Chennai "C" Bench, ('the Tribunal' for brevity) and the order of the Income Tax Appellate Tribunal, Madras "A" Bench, dated 30.06.2015, passed in I.T.A.Nos.1426 and 1427/Mds/2014 for the assessment years 2012-13, 2008-09 and 2010-11 respectively. The above appeals were admitted on 23.09.2016 on the following substantial questions of law :

> "(a)Whether on the facts and circumstances of the case, the Tribunal is correct in holding that the income admitted by the appellant is not just and real income under Section 4 read with Section 145 of the Income Tax Act, 1961 as well as the accounting principles applicable to it ?
>
> (b)Whether the Income Tax Appellate Tribunal's findings are perverse on the facts and circumstances of the case and therefore liable to be set aside ?"

2. We have heard Mr.V.S.Jayakumar, learned counsel for the appellant/assessee and Mr.Karthik Ranganathan, learned Standing Counsel for the respondent/Revenue.

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 17$^{th}$ March 2020 and published in the Gazette of India on 17$^{th}$ 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 08.12.2020 and the learned counsel for the appellant seeks permission of this Court to withdraw the above appeals.

5. In view of the submission made by the learned counsel for the appellant/assessee, the above Tax Case Appeals stand dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

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

3. The Deputy Commissioner of Income Tax,
   Corporate Circle 2(2),
   Chennai - 600 034.

4. The Deputy Commissioner of Income Tax,
   Company Circle-II(3),
   Chennai - 600 034.

5. The Commissioner of Income Tax(Appeals)-6,
   121, M.G.Road, Nungambakkam,
   Chennai-34.

6. The Commissioner of Income Tax(Appeals)-II,
   121, M.G.Road, Nungambakkam,
   Chennai-34.

7. Income Tax Officer,
   Company Ward-II(1),
   Room No.515, New Block,
   121, M.G.Road, Nungambakkam,
   Chennai-34.

+2cc to M/s.V.S.Jayakumar, Advocate in Sr.No.11605 & 11606

Tax Case Appeal Nos.706, 330 & 331 of 2016

SRII(CO)
CS/15/03/2021