IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM

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

Tax Case Appeal No.821 of 2016

Mary Zachariah ... Appellant

Vs.

The Assistant Commissioner of Income Tax,
Non Corporate Circle - 15,
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 "C" Bench, dated 10.06.2016 passed in I.T.A.No.416/Mds/2016, preferred against the order of the Commissionerae of Income Tax(Appeals)-15, Chennai, order dated 24-09-2015 made in ITA.No.97/15-16 preferred against the order of the Assistant Commissioner of Income Tax, Non-corporate Circle-15(1), Chennai, order dated 23/03/2015 made in PAN/GIR.No.AAHPZ1796K for the Assessment year 2012-13.

For Appellant : Mr.Arun Joseph,
for M/s.J.Sree Vidya

For Respondent : Mr.M.Swaminathan,
Senior 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 10.06.2016 passed by the Income Tax Appellate Tribunal, Madras "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.416/Mds/2016 for the assessment year 2012-13. On 29.11.2016, the appeal was admitted on the following Substantial Questions of Law:

> “1)Whether on the facts and circumstances of the case, the Tribunal was right in holding that the appellant is not entitled to exemption under Section 54F for investment in three residential

units in the same complex on the ground that two of the units are in a different block?

2)Whether on the facts and circumstances of the case, the Tribunal was right in holding that the ration of the decision in the case of V.R.Karpagam is not applicable to the appellant, as the servants quarters were situated in a different block from the main residential unit?"

2. We have heard Mr.Arun Joseph, learned counsel for the appellant/assessee and Mr.M.Swaminathan, learned Senior 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 has already been issued with Form - 3 on 21.01.2021 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(CCC)

//True Copy//

Sub Assistant Registrar

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To
1.Income Tax Appellate Tribunal,
Madras "C" Bench

2.The Assistant Commissioner of Income Tax,
Non Corporate Circle - 15,
Chennai - 600 034.

3.The Commissioner of Income Tax(Appeals)-15,
121, Mahatma Gandhi Road, Chennai-34.

+1cc to M/s.J.Sreevidhya, Advocate SR.9260
+1cc to M/s.M.Swaminathan, Advocate SR.9682

CP(CO)
CB(04/03/2021)