IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021
CORAM
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.N.MANJULA

Tax Case Appeal No.426 of 2020

Commissioner of Income Tax,
Non Corporate Circle 12(4),
Chennai. ...Appellant/ Respondent

Vs

Shri Sunil Chopra ...Respondent/ Appellant

APPEAL under Section 260A of the Income Tax Act, 1961 against the order dated 04.03.2020 passed by the Income Tax Appellate Tribunal, Madras 'A' Bench, Chennai made in I.T.A.No.2923/Chny/2018 for the assessment year 2015-16 Against appeal filed the order dated 03.08.2018 made in ITA.NO.73/CIT (a)-13/AY 2015-2016 on the file of the Office of Commissioner of Income Tax Appeals-13,Chennai 34 and against the order dated 21.12.2017 made in PAN NO.AAAPC 4038 N Non corporate Ward12(4), Chennai.

For Appellant : Mr.M.Swaminathan
Standing Counsel

For Respondent : Mr.P.Prithivi Chopda

Judgment was delivered by T.S.SIVAGNANAM,J

This appeal has been filed by the assessee under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity) challenging the order dated 04.03.2020 made in I.T.A.No.2923/Chny/2018 on the file of the Income Tax Appellate Tribunal, Chennai, 'A' Bench ('the Tribunal' for brevity) for the assessment year 2015-16.

2.The appeal has been filed by raising the following substantial questions of law:

> "1.Whether Income Tax Appellate Tribunal was right and justified in setting aside the order passed by the Assessing Officer to re-examine the matter when the Assessing Officer has already duly examined the matter before passing the assessment

order?

2.Whether the Income Tax Appellate Tribunal was right in justified in remitting the issue back to the file of the Assessing Officer and shifting the onus to the Revenue with a direction that the Assessing Officer shall bring on record the role of the assessee in promoting the company and the relationship of the assessee, if any with the promoters, role of the assessee in inflating the price of shares etc.,"

2.Whether the Income Tax Appellate Tribunal was right in not adjudicating the several grounds raised by the appellant and thereby not giving an opportunity of being heard?"

3.We have heard Mr.M.Swaminthan, learned counsel appearing for the appellant/revenue and Mr.P.Prithivi Chopda, learned counsel appearing for the respondent/assessee.

4.The learned counsel on behalf of the appellant/assessee submits that the respondent/assessee already filed the declaration/ undertaking under the Vivad Se Vishwas Scheme on 22.03.2020 and is awaiting orders to be passed in Form No.3.

5.In the light of the subsequent event, the Competent Authority shall process the application/declaration in accordance with the Direct Tax Vivad Se Vishwas Act, 2020 (Act 3 of 2020) and pass appropriate orders as expeditiously as possible. The assessee is given liberty to restore this appeal in the event the ultimate decision to be taken on the declaration filed by the assessee under Section 4 of the said Act is not in favour of the assessee. If such a prayer is made, the Registry shall entertain the prayer without insisting upon any application to be filed for condonation of delay in restoration of the appeal and on such request made by the assessee by filing a miscellaneous petition for restoration, the Registry shall place such petition before the appropriate Division Bench for orders.

6.The tax case appeal stands disposed of with the aforementioned liberty and Consequently, the substantial questions of law framed are left open. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cse

To

THE INCOME TAX APPELLATE TRIBUNAL, 'A' BENCH,
CHENNAI.

2.THE OFFICE OF COMMISSIONER OF INCOME TAX APPEALS-13,
121,MAHATMA GANDHI ROAD,CHENNAI 34

3.THE INCOME TAX OFFICER,ON CORPORATE WARD12(4),CHENNAI.

+1cc to Mr.T.Pramodkumar Chopra , Advocate SR.No. 2363
+1cc to Mr.M.Swaminathan , Advocate SR.No. 2448

TCA.No.426 of 2020

A.SK(16.02.2021).