IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R. HEMALATHA

Tax Case Appeal No.643 of 2019
and
C.M.P.No.18786 of 2019

M/s.Lifecell International Private Limited
26, Vandalur Kelambakkam Main Road,
Keelakottaiyur Village,
Chennai - 600 048. ... Appellant

Vs.

Assistant Commissioner of Income-Tax,
Corporate Circle 4(1),
121, Uthamar Gandhi Salai,
Nungambakkam, 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 "B" Bench, dated 28.05.2019 passed in I.T.A.No.247/Chny/2018. Against common order of the learned commissioner of Income Tax (Appeals)-8, Chennai(herein after called as CIT (A) dated 08/12/2017 for Assessment year 2013-2014 against Assessing Officer Under Section 143(3) dated 24/03/2016 against Deputy commissioner of Income Tax, Corporate Cirlce 4(1) Chennai PAN No AAECA7997B in Assessment year 2014-2015 against the Assistant Commissioner of Income Tax Corporate circle 4(1) Chennai in Assessment Year 2013-2014.

For Appellant : Ms.N.V.Lakshmi
for Mr.N.V.Balaji

For Respondent : Mr.Karthik Ranganathan
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 28.05.2019 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, ('the Tribunal' for brevity) in I.T.A.No.247/Chny/2018 for the assessment year 2013-14. The appellant/assessee has raised the following Substantial Questions of Law in the above appeal :

> "1.Whether under the facts and circumstances of the case, the Tribunal is right in upholding the order of the CIT (A) that the advance storage fees for 21 years are liable for taxation in the year of receipt itself?
>
> 2.Is the finding of the Tribunal that the appellant did not controvert the finding of the CIT (A) that the appellant did not follow the matching concept, not perverse, particularly when the appellant had placed all material evidences before the Tribunal to demonstrate that it had followed the matching concept?
>
> 3.Is the Tribunal was right in holding the order of the CIT(A) that the entire advance storage fees for 21 years received by the appellant is liable for taxation in the year of receipt itself, merely on the perverse inference of the CIT(A) that certain expenditure are not deferred?
>
> 4.Whether under the facts and circumstances of the case, the Tribunal was right in not adjudicating the ground of the appellant that the CIT(A) is not justified in not giving the deduction in respect of revenue of earlier year enrolments recognized during the year?”

2. We have heard Ms.N.V.Lakshmi for Mr.N.V.Balaji, learned counsel for the appellant/assessee and Mr.Karthik Ranganathan, learned Senior 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 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 had already been issued with Form-3 on 21.04.2021 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Assistant Commissioner of Income Tax,
Corporate Circle 4(1),
121, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3. The Commissioner of Income Tax (Appeals)-8
Chennai.

+1cc to M/s.N.V.Balaji, Advocate, S.R.No.29581

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VSN-II(CO)
SB(23/07/2021)