IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

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

TAX CASE APPEAL NO.150 OF 2017

Commissioner of Income Tax,
Chennai. ... Appellant

Vs.

M/s.Spencer & Co. Ltd.,
769, Anna Salai,
Chennai - 600 002. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Chennai "C" Bench, dated 17.04.2015 passed in I.T.A.No.1731/Mds/2012.

Against the Appellate Order and grounds of Decision passed by the Commissioner of Income Tax(A)-V, Chennai dated 14.06.2012 made in CIT(A)-V/ITA.No.320/10-11, and

Against the Assessment order passed by the Assistant Commissioner of Income Tax, Company Circle VI(4) Chennai, dated 29.12.2010 made in PAN/GIR.No.AACS4451J.

For Appellant : Mr.J.Narayanaswamy
Senior Standing Counsel

For Respondent : Mr.R.Sivaraman

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

This appeal filed by the Revenue under Section 260A of the Income Tax Act, 1961 ('the Act' for brevity), is directed against the order dated 17.04.2015 passed by the Income Tax Appellate Tribunal, Chennai "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.1731/Mds/2012 for the assessment year 2008-09. The Revenue has raised the following Substantial Questions of Law in the above appeal:

"1.Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the assessee is entitled for the claim of depreciation on the alleged expenditure incurred in building the brand (Spencer) when the assessee had not incurred any cost towards acquiring the brand and when the assessee had not substantiated the basis of the valuation/ expenditure incurred for the purpose of the said brand.

2.Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the assessee is entitled for deduction of the expenditure incurred towards the licence fee paid to RPG Enterprises Ltd.

3.Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that Rule 8D is prospective in nature and is not applicable to the Asst.Year 2007-08?

4.Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the assessee had not incurred any expenditure towards earning the exempt dividend income and consequently no disallowance can be made u/s.14-A?"

2. We have heard Mr.J.Naryanaswamy, learned Senior Standing Counsel for the appellant/Revenue and Mr.R.Sivaraman, learned counsel for the respondent/assessee.

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.Learned counsel for the respondent/assessee submitted that the assessee had availed the Vivad Se Vishwas Scheme and that the respondent/assessee had already been issued with Form-3 on 09.02.2021.

5.Since the respondent/assessee had been issued with Form-3, nothing survives for adjudication in the above appeal. Recording the submission made by the learned counsel for the respondent/assessee, the Tax Case Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mkn

To

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

2. The Commissioner of Income Tax (A)-V,
   Chennai.

3. The Assistant Commissioner of Income Tax,
   Company Circle VI (A),
   Chennai.

Tax Case Appeal No.150 of 2017

EV(CO)
CS/01/04/2021