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.153 of 2017

M/s.Information Systems Audit &
Control Association, Chennai Chapter,
(Formerly known as ISACA Trust)
15, Ground Floor, Luz Golden Enclave,
180/4, Luz Church Road,
Mylapore, Chennai - 600 004. ..Appellant /Appellant

Vs.

Deputy Director of Income Tax (Exemptions) - 1,
Chennai. ..Respondent/Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "A" Bench, dated 10.02.2016 passed in I.T.A.No.1693/Mds/2015 and against the order of the Commissioner of Income Tax(Appeals)-17, 121, Mahatma Gandhi Road, Chennai -34, dated 30/03/2015 in ITA.No.613/11-12 and against the order of the Deputy Director of Income Tax (Exemptions)-I, Chennai -34 dated 30/12/2011 in PAN/GIR.No.AAATI2788R/1665-I, for the assessment year 2008-09.

For Appellant : Mr.R.Sivaraman

For Respondent : Mr.J.Narayanaswamy
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 10.02.2016 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.1693/Mds/2015 for the assessment year 2009-10. The assessee has raised the following Substantial Questions of Law in the above appeal.

"1.Whether on the facts and circumstances of the case, the Tribunal was justified in holding that the appellant trust is not entitled for exemption u/s.11 of the Act, having held that the trust in question cannot be considered to be an "educational trust"?

2.Whether on the facts and circumstances of the case, the Tribunal was justified in holding that the appellant is not entitled to exemption u/s.2(15) of the Act, holding that the activities carried on by it are not charitable in nature?"

2. We have heard Mr.R.Sivaraman, learned counsel for the appellant/assessee and Mr.J.Naryanaswamy, 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 11.01.2021 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(CS V)

//True Copy//

Sub Assistant Registrar

To
1.The Income Tax Appellate Tribunal, Madras "A" Bench

2.The Deputy Director of Income Tax (Exemptions) - 1,Chennai.

3.The Commissioner of Income Tax (Appeals)17, Chennai.

AKM/15.04.21/2P-4C/

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