IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.03.2021
CORAM:

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

T.C.A.Nos.420 & 421 of 2017

Shri Kummathi Rameswar Reddy,
Flat 6, Viswaretha Apartments,
Old No.28, New No.16, 7th Cross street,
Shastri Nagar,Adyar,
Chennai - 20. ... Appellant in both TCAs

vs.

The Commissioner of Income Tax -9,
Chennai. ... Respondent in both TCA

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the common order of the Income Tax Appellate Tribunal, Chennai, ''A'' Bench, dated 05.05.2016 in ITA.Nos.335 & 209/Mds/2016 for the Assessment Years 2011-2012 and 2012-2013. As against the order dated 11/01/2016 by the office of the Commissioner of Income Tax(Appeals)-5 in ITA No.82/CIT(A)5/2014-15 Assessment year 2011-2012 and as against the order dated 20/11/2015 by the office of the Commissioner of Income Tax (Appeals)-5 in ITA No.28/CIT(A)/2015-16 Assessment year 2012-13 and as against the order dated 23/03/2015 by the office of the Deputy Commissioner of Income Tax, Non-Corporate Circle-17(1) Assessment year 2012-13 and as against the order dated 28/03/2014 by the office of the Deputy Commissioner of Income Tax, Salary Range V, Assessment year 2011-12.

For Appellant : Mr. N.V. Balaji
(in both TCAs)

For Respondent : MR. T. Ravikumar,
(in both TCAs) Senior Standing Counsel

COMMON JUDGMENT
(Judgment was delivered by M. DURAISWAMY, J.)

These appeals, filed by the Revenue under Section 260A of the Income Tax Act, 1961 (for short, the Act) are directed against the common order dated 05.05.2016 made in ITA.Nos.335 & 209/Mds/2016 on the file of the Income Tax Appellate Tribunal, Chennai, ''A'' Bench (for brevity, the Tribunal) for the Assessment Years 2011-2012 and 2012-2013.

2.The appeals were admitted on 15.09.2009 on the following substantial questions of law:

> "(i) Whether the stock appreciation rights received by an employee of a subsidiary company incorporated in India from a foreign holding company can be taxable under the head "salaries"?
>
> (ii) Whether the stock appreciation rights received by the assessee is a capital receipt and hence not taxable?
>
> (iii) Whether the stock appreciation rights received by the appellant is a capital asset and if so whether the gain can at all be taxed in the absence of cost of acquisition ?"

3. We have heard Mr. N.V. Balaji, learned counsel for the appellant and MR. T. Ravikumar, learned Senior Standing Counsel for the respondent.

4. 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.

5. We are informed by the learned counsel for the appellant that the assessee has already been issued with Form - 3 on 04.03.2021 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeals.

6. In view of the submission made by the learned counsel for the appellant, the Tax Case Appeals are dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Commissioner of Income Tax -9,
   Chennai.

2. The Income Tax Appellate Tribunal,
   Chennai, ''A'' Bench.

3. The Commissioner of Income Tax (Appeals -5)
   Nungambakkam, Chennai - 34.

4. The Deputy Commissioner of Income Tax,
   Non Corporate Circle - 17(1),
   Nungambakkam, Ch - 34.

+cc to M/s.N.V.Balaji, CASR 20355
+cc to M/S.T.Ravikumar, CASR 19755

T.C.A.Nos.420 & 421 of 2017

SSN(CO)
baf 11/05/2021