IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM

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

Tax Case Appeal No.490 of 2017

M/s.Hyundai Motor India Ltd.,
Plot No.H-1, SIPCOT Industrial Park,
Irrungatukottai, Sriperumbudur Taluk,
Kancheepuram District,
Chennai – 602 117. ... Appellant

Vs.

The Deputy Commissioner of Income Tax,
Large Tax Payer Unit - II,
Chennai. ... Respondent

Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, dated 28.08.2015 passed in I.T.A.No.2157/Mds/2011, made against the draft Assessment order of the Deputy Commissioner of Income Tax, Large Tax Prayer Unit, Chennai dated 31.12.2010 in GIR No./PA No.AAACH2364M for the Assessment year 2007-08, against the order of the Additional Commissioner of Income Tax, Transfer Pricing Officer-II(i/c) Chennai in F.No.H-201/TPO-II/A.Y.2007-2008 dated 28.10.2010 for the Assessment Year 2007-08.

For Appellant : Mr.R.Venkatanarayanan

For Respondent : Mr.T.Ravi Kumar,
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 28.08.2015 passed by the Income Tax Appellate Tribunal, Madras "B" Bench, ('the Tribunal' for brevity) in I.T.A.No 2157/Mds/2011 for the assessment year 2007-08.

2.The appellant has raised the following Substantial Question of Law in the grounds of appeal:

> "Whether the Tribunal was right in law in holding that the expenditure incurred by assessee by giving 100 cars to the Police Department of Tamil Nadu is not an eligible business expenditure under Section 37 of the Act?"

3.We have heard Mr.R.Venkatanarayanan, learned counsel for the appellant/assessee and Mr.T.Ravi Kumar, learned Senior Standing Counsel for the respondent/Revenue.

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/ assessee that the assessee had already been issued with Form - 3 on 21.12.2020 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

6.In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal, Madras "B" Bench
2. The Deputy Commissioner of Income Tax,
   Large Tax Payer Unit - II,
   Chennai.

3. The Additional Commissioner of Income Tax,
   Transfer Pricing Officer-II(i/c), Chennai.

+1cc to Mr.T.Ravikumar, Advocate SR.No.19763

+1cc to Mr.Subbaraya Aiyar, Advocate SR.No.19736

AK-II(CO)
GMY(30/04/2021)