IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

TAX CASE APPEAL NO. 548 OF 2017

T.V.Sundram Iyengar & Sons Ltd
7-B, West Veli Street
Madurai.

...Appellant/Appellant

Vs.

The Commissioner of Income Tax
Madurai.

...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, Chennai dated 15.09.2016 passed in I.T.A. No. 554/2016/Md/Chennai, against the order of the Commissioner of Income Tax(Appeals)-1, Madurai dated 30.12.2015 in I.T.A.No.0117/2014-15, PAN.No.AABCT0159K, against the order of the Joint Commissioner of Income Tax Range – I, Madurai dated 28.03.2014 in PAN.No.AABCT0159K for the Assessment Year 2011-2012.

For Appellant : Mr.N.V.Balaji

For Respondent : Mrs.V.Pushpa
Junior Standing Counsel

J U D G M E N T

(Judgment was delivered by R. MAHADEVAN, J.)

This Tax Case Appeal has been filed by the appellant / Assessee challenging the order dated 15.09.2016 passed in I.T.A.No.554/Mds/2016 relating to the assessment year 2011-12 passed by the Income Tax Appellate Tribunal, Bench 'A', Chennai ('the Tribunal', for brevity).

2.The above appeal was admitted on 28.11.2017 on the following substantial questions of law :

> “1.Whether on the facts and in the circumstances of the case, the Tribunal is justified in law in disallowing the foreign study expenses incurred by the assessee on six persons sponsored by it for undertaking higher studies abroad as personal expenses and not allowable under section 37 of the Income Tax Act, 1961 ?
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> 2. Whether on the facts and in the circumstances of the case, the Tribunal is justified in law in confirming the disallowance under Section 14A of the Act, especially when ther eis no finding by the Assessing Officer that there was any error in the accounts or that the assessee has actually incurred any expenses in relation to the dividend income?”

3.When the matter was taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of this tax case appeal, the assessee has filed the requisite Forms 1 and 2 under Section 4 (1) of the Direct Tax Vivad Se Vishwas Act, 2020, which were accepted and Form 3 was issued to the assessee on 09.04.2021 by the Income Tax Department. The learned counsel has also filed a memo along with a copy of the Form 3 to that effect.

4.The aforesaid submission made by the learned counsel for the appellant / assessee has also been fairly conceded by the learned junior standing counsel appearing for the respondent / Revenue.

5.This court heard the submissions made by the learned counsel on either side, as per which, the assessee has already availed the benefit conferred under the beneficial legislation viz., the Direct Tax Vivad Se Vishwas Act, 2020, enacted for resolution of disputed tax and for matters connected therewith or incidental thereto, which came into force with effect from 17.03.2020; and the declarations submitted by them were also accepted and Form 3 was also issued to the assessee by the Income Tax Department. In view of such development, it is unnecessary for this court to decide the substantial questions of law arisen in these tax case appeals.

6.Therefore, recording the submissions so made by the learned counsel on either side, this appeal stands disposed of, directing the department to process the application at the earliest in accordance with the Act and communicate the decision to the assessee at the earliest. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Income Tax Appellate Tribunal
   Chennai “A” Bench

2. The Commissioner of Income Tax
   Madurai.

3. The Commissioner of Income Tax(Appeals) – 1,
   Madurai.

4. The Joint Commissioner of Income Tax
   Range – I, Madurai.

+1cc to Mr.M.Swaminathan, Senior Standing Counsel, S.R.No.68418

Tax Case Appeal No. 548 of 2017

SMI(CO)
RLP(03/01/2022)