IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM

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

Tax Case Appeal No.572 of 2017

Principal Commissioner of Income Tax -1,
No.63, Race Course Road,
Coimbatore. ... Appellant /Respondent

v.

M/s. Selva Gold Covering Pvt. Ltd.,
C/o. Shri S. Sridhar,
Shri A.S.Sriraman, Advocate,
New No.14, Old NO.82, Flat No.5,
1st Avenue, Indira Nagar,
Adyar, Chennai - 600 020.
PAN : AAD CS 0688 Q ... Respondent/Appellant

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, "C" Bench, Chennai dated 29.03.2017 passed in ITA.No.3262/Mds/2016 for the Assessment Year 2012-2013, against the order of the Commissioner of Income Tax(Appeals), Coimbatore, dated 30.09.2016 in Appeal No.172/15-16 for the Assessment year 2012-13

Against the order of the Deputy Commissioner of Income Tax Corporate Circle -2, Coimbatore in PAN.No.AADCS0688Q, dated 11.11.2015 for the assessment year 2012-13

Against the order of the Commissioner of Income Tax Appeals I Coimbatore dated 11.06.2015 in Appeal No.319/14-15 for the assessment year 2012-13

Against the order of the Deputy Commissioner of Income Tax Corporate Circle 2 Coimbatore dated 19.12.2014 PAN.No.AADCS0688Q for the assessment year 2012-13.

For Appellant : Mr.T.R.Senthil Kumar
Senior Standing Counsel
Asst. by Ms. K.G. Usha Rani

For Respondent : Mr.M. Kaushik for Mr. S. Sridhar

J U D G M E N T
(Judgment was 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 29.03.2017 passed by the Income Tax Appellate Tribunal, "C" Bench, Chennai ('the Tribunal' for brevity) in I..TA.No.3262/Mds/2016 for the Assessment Year 2012-2013.

2. The appeal was admitted on 07.12.2017 on the following Substantial Questions of Law:

> " *(i) Whether the Appellate Tribunal is correct in deleting the penalty levied under section 271(1)(c) without considering that the assessee filed the revised return of income only after the survey action under section 133A taken place in the business premises of the assessee? and*
>
> *(ii) Whether the Tribunal is correct in deleting the penalty relying on the earlier decision (2010) of the Supreme Court in the case of Reliance Petro Products v. CIT when latter (2013) judgment of the Supreme Court in the case of MAK Data P. Ltd., v. CIT had clearly held that 'voluntary disclosure does not release assessee from mischief of penal proceedings under section 271(1)(c()?"*

.3. We have heard Mr.T.R.Senthil Kumar, learned Senior Standing Counsel for the appellant and M. Kaushik, learned counsel for the respondent.

4. It may not be necessary for this Court to decide the Substantial Question 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. 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 16.12.2020.

6. 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, the appeal stands disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

/True Copy/

Sub Assistant Registrar

To

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

2.The Commissioner of Income Tax Appeals-I,
Coimbatore.

3.The Deputy Commissioner of Income Tax
Corporate Circle -I,
Coimbatore.

+1cc to Mr.Senthilkumar, Advocate Sr.No.10834
+1cc to Mr.Sridhar, Advocate Sr.No.11082

akm/17.03.21 /3P-6C/

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