IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HON'BLE MR.JUSTICE M. DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE R. HEMALATHA

Tax Case Appeal No.586 of 2017
and C.M.P.No.14636 of 2017

M/s. TTK Healthcare Limited,
6, Cathedral Road,
Chennai - 600 086.
PAN : AABCT3312J ... Appellant

vs

The Deputy Commissioner of Income Tax,
Corporate Circle – 3 (1),
Chennai - 600 034. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, Madras "C" Bench, dated 25.11.2016 passed in I.T.A.No.1642/Mds/2016. Against the order of the commissioner of Income Tax (Appeals)-II, Chennai-34, order dated 28-03-2016 made in ITA No. 53/CIT(A)-II/2013-14 against the order of the Deputty commissioner of Income Tax company circle-III (2), Chennai-600 034, order dated 20-03-2014 made in GIR/PAN No. AABCT3312J for the assessment years 2011-12.

For Appellant : Mr.R.Venkat Narayanan
for M/s. Subbarya Ayyar Padmanabhan.

For Respondent : Mrs.S.Premalatha
for Mr.M.Swaminathan,
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 25.11.2016 passed by the Income Tax Appellate Tribunal, Madras "C" Bench, ('the Tribunal' for brevity) in I.T.A.No.1642/Mds/2016 for the assessment year 2011-2012.

2. The appellant has raised the following substantial questions of law in the above appeal:-

" 1.Whether on the facts and in the circumstances of the case, the Tribunal was right in law in not adjudicating whether the disallowance under Section 37, by relying on CBDT Circular which could not have retrospective effect, could be made by an order under Section 154 of the Act?

2.Whether on the facts and in the circumstances of the case, the Tribunal was right in law in considering the CBDT Circular dated 01.08.2012 which could not have retrospective effect?"

3. We have heard Mr.R. Venkat Narayanan, learned counsel for the appellant/assessee and Mrs.S.Premalatha for Mr.M.Swaminathan, 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 17^{th} March 2020 and published in the Gazette of India on 17^{th} 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 10.06.2021 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, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl

To

1. Income Tax Appellate Tribunal, Madras "C" Bench

2.The Deputy Commissioner of Income Tax,
Corporate Circle - 3 (1),
Chennai - 600 034.

3. The commissioner of Income Tax (Appeals)-II, Chennai-34,

4. The Deputty commissioner of Income Tax,
company circle-III (2), Chennai-600 034.

+1cc to Mr.M.Swaminathan, Advocate SR.No. 29113

Tax Case Appeal No.586 of 2017

CP(CO)
B.VC(20.07.2021)