IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

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

Tax Case Appeal No.6 of 2017

M/s.Murasoli Trust
New No.180, Old No.93,
Kodambakkam High Road,
Chennai - 600 034. ... Appellant

Vs.

The Assistant Director of
Income Tax (Exemptions IV),
Chennai. ... 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, dated 06.11.2015 passed in I.T.A.No.211/Mds/2014 for the assessment year 2010-11, as against the order dated 22.11.2013 by the office of the Commissioner of Income Tax(Appeals)-VII, Chennai, in ITA.No.(s) 575/11-12 & 119/12-13 assessment year 2009-10 and 2010-11 and as against the order dated 31.07.2012 in PAN/GIR.No.AAATM3312K office of the Assistant Director of Income Tax(Exemptions)-IV, Chennai, assessment year 2010-2011.

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

For Respondent : Mr.J.Narayanaswamy
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 06.11.2015 passed by the Income Tax Appellate Tribunal, Madras "A" Bench, ('the Tribunal' for brevity) in I.T.A.No.211/Mds/2014 for the assessment year 2010-

11. The above appeal has been admitted on 23.01.2017 on the following Substantial Questions of Law:

> "1.Whether the Appellate Tribunal is correct in law in approving the presumption of the applicability of the amended provisions of Section 2(15) of the Act especially the two provisos below the said section so as to brand the activities as commercial activities even though the said provisos would be applicable to the last limb of the definition of the term 'charitable purpose'?
>
> 2.Whether the Appellate Tribunal is correct in law denying the claim of depreciation in the tax exemption computation as per Section 11 of the Act on the wrong presumption of double deduction which defied the consistent judicial trend on the said issue?"

2. We have heard Mr.M.Kaushik for Mr.S.Sridhar, learned counsel for the appellant/assessee and Mr.J.Narayanaswamy, learned Senior Standing Counsel for the respondent/Revenue.

3. 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.

4. We are informed by the learned counsel for the appellant/assessee that the assessee had already been issued with Form-3 on 09.03.2021 and the learned counsel for the appellant seeks permission of this Court to withdraw the appeal.

5. In view of the submission made by the learned counsel for the appellant, the Tax Case Appeal stands dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2. The Assistant Director of Income Tax (Exemptions IV), Chennai.

3. The Commissioner of Income Tax(Appeals)VII, Chennai.

Tax Case Appeal No.6 of 2017

SSN(CO)
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