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.781 of 2017

Smt.Ananthi Rabindran
3/6, 13th Avenue,
Harrington Road, Chetpet,
Chennai - 600 031. ... Appellant
PAN NO.ADY PA 0970E

Vs.

The Income Tax Officer,
Non Corporate Ward - 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, Chennai "D" Bench, dated 22.12.2016 passed in I.T.A.No.1427/Mds/2015.

Appeal filed the order of the Commissioner of Income Tax, (Appeals)-4,46,Mahatma Gandhi Road,Nungambakkam,Chennai 34 dated 30.03.2015 ITA.NO.123/13-14 PAN NO.ADY PA 097OE for the Assessment Year 2008-2009.

And

Appeal filed the order of the Income Tax Department , VI,Floor,New Block,Aayankar Bhavan,121,Mahatma Gandhi Road,Nungambakkam,Chennai 34 dated 20.12.2013 PAN NO.ADY PA 097OE/WARD CIRCLE/RANGE-Business Ward XI(1),status of the Individual for the Assessment Year 2008-2009.

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

For Respondent : 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 22.12.2016 passed by the Income Tax Appellate Tribunal, Chennai "D" Bench, ('the Tribunal' for brevity) in I.T.A.No.1427/Mds/2015 for the assessment year 2008-2009. The appeal was admitted on 30.01.2018 on the following substantial question of law :

> "Whether the Appellate Tribunal erred in law in artificially imposing the condition of the availability of source for irrigation, despite the classification of the capital asset as agricultural lands in the revenue records, before testing the correctness of the claim of the assessee to tax exemption for the surplus generated from the sale of the said agricultural lands under Section 45 of the Income Tax Act, 1961 read with Section 2(14)(iii) of the said Act?"

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

3. 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.

4. We are informed by the learned counsel for the appellant/ assessee that the assessee had already been issued with Form-3 on 22.12.2020 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/assessee, the Tax Case Appeal stands dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Income Tax Officer,
Non Corporate Ward - 3(1)
Chennai - 600 034.

3. The Commissioner of Income Tax,(Appeals)-4,46,Mahatma Gandhi Road,Nungambakkam,Chennai 34.

4. The Income Tax Department ,VI,Floor,New Block,Aayankar Bhavan,121,Mahatma Gandhi Road,Nungambakkam,Chennai 34.

+1cc to Mr.M.Swaminathan , Advocate SR.No. 10836
+1cc to Mr.S.Sridhar, Advocate SR.No. 11084

A.SK(09.03.2021)