IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

T.C.A.NOS.276 AND 277 OF 2009

M/s ICICI Bank Ltd.,
Accounting & Taxation Group,
192, Anna Salai,
Chennai - 600 002.
Now at
4th Floor, West Wing,
93, Sathome High Road,
Chennai - 600 028.

... Appellant in both TCAs

Versus

The Joint Commissioner of Income Tax,
Special Range - III, Chennai.

... Respondent in both TCAs

Appeals preferred under Section 260A of the Income Tax Act, 1961, against the common order of the Income Tax Appellate Tribunal, "A" Bench, Chennai, dated 22.06.2007 in I.T.A.Nos.817 and 818/Mds/2003 for the Assessment years 1996-1997 & 1995-1996 respectively.

TCA.No.276 of 2009:

Against the order passed by the Commissioner of Income Tax, Chennai-1, dated 21.02.2003 & 16.07.1999 in C.No.217/CIT-1/02-03 & ITA.No.9/99/2000 respectively against the Assessment order passed by the Joint Commissioner of Income Tax, Special range III, Chennai on 31.03.1999.

TCA.No.277 of 2009:

Against the order passed by the Commissioner of Income Tax, Chennai-1, dated 21.02.2003 & 21.07.1998 in C.No.217/CIT-1/02-03 & ITA.No.2/98-99 against the Assessment order passed by the Joint Commissioner of Income Tax, Special range III, Chennai on 31.03.1998.

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|---|---|---|
| For Appellant | : | Mr.R.Venkatanarayan<br>for M/s.Subbaraya Aiyar in both TCAs |
| For Respondent | : | Mr.T.Ravi Kumar<br>and Mrs.R.Hemalatha<br>Standing Counsel in both TCAs |

COMMON JUDGMENT

(Judgment of the Court was delivered by R.MAHADEVAN, J.)

These tax case appeals have been filed by the appellant / assessee, challenging the common order dated 22.06.2007 passed by the Income Tax Appellate Tribunal, Chennai, 'A' Bench, in I.TA.Nos. 817 and 818/Mds/2003, relating to the assessment years 1996-97 and 1995-96 respectively.

2.By order dated 22.06.2009, this court admitted the aforesaid tax case appeals on the following substantial questions of law:

> "(i) Whether on the facts and in the circumstances of the case the Tribunal was right in holding that the assessment order passed under section 143(3) r.w.s.251 as per the direction of the Commissioner of Income Tax (Appeals) on specific issue relating to lease transactions was erroneous and prejudicial to the interest of revenue in respect of other items other than the lease transactions?
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> (ii) Whether the Tribunal failed to appreciate that the CIT (Appeals) has given specific direction for reconsidering only lease transactions and hence C.I.T, has no jurisdiction under section 263 to revise the order in respect of issues not directed by CIT (Appeals)? "

3.When these matters were taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of these tax case appeals, the assessee has filed the requisite Forms 1 and 2 under Section 4 of the Direct Tax Vivad Se Vishwas Act, 2020, which were accepted and Form 3 was issued to the assessee on 19.01.2021 and 20.01.2021 by the Income Tax Department. The learned counsel has also filed Form 3 dated 19.01.2021and 20.01.2021 to that effect.

4.The aforesaid submission made by the learned counsel for the appellant / assessee has also been fairly conceded by the learned 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 the assessee were also accepted and Form 3 was also issued to them 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, these appeals stand disposed of, directing the department to process the applications in accordance with the Act and communicate the decision to the assessee at the earliest. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Joint Commissioner of Income Tax,
   Special Range - III, Chennai.

3. The Commissioner of Income Tax, Chennai-1.

+1cc to Mr.T.Ravi Kumar, Advocate, S.R.No.34309

T.C.A.Nos.276 and 277 of 2009

EV(CO)
PM/19/07/2022