IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

Tax Case Nos.53 and 54 of 2008

M/s.McKinnon India P. Ltd.,
1054/21, Avanashi Road,
Coimbatore - 641 018. ... Appellant in both TCAs

Vs.

The Assistant Commissioner of Income Tax,
Circle-I (1),
Coimbatore. ... 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, "D" Bench, Chennai, dated 25.05.2007 in I.T.A.Nos.857 & 858/Mds/2006.

For Appellant in both TCAs	:	Mr.Venkat Narayanan For Mr.Subbaraya Aiyar
For Respondent in both TCAs	:	Mr.M.Swaminathan Standing Counsel and Mrs.S.Premalatha

C O M M O N   J U D G M E N T

(Judgment was delivered by R. MAHADEVAN, J.)

These tax case appeals have been filed by the appellant / assessee, challenging the common order dated 25.05.2007 passed by the Income Tax Appellate Tribunal, Chennai, 'D' Bench, in I.T.A.Nos.857 & 858/Mds/2006, relating to the assessment years 1999-2000 and 2000-2001 respectively.

2. By order dated 18.02.2008, this court admitted the aforesaid tax case appeals on the following substantial question of law:

"Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the relief

under Section 80-IA of the Income Tax Act, 1961, should be deducted from profits and gains of business before computing relief under Section 80HHC of the Act?"

3. When the matters were taken up for hearing, the learned Standing Counsel appearing for the respondent/Revenue submitted that the appellant / assessee has already availed the benefit conferred under the Direct Tax Vivad Se Vishwas Act, 2020 and Form 3 has also been issued to them on 04.03.2021 and 25.02.2021 respectively, and hence, nothing survives for further adjudication herein.

4. The aforesaid submission made by the learned Standing Counsel for the respondent / Revenue has also been fairly conceded by the learned counsel appearing for the appellant / assessee.

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.

[R.M.D,J.]   [M.S.Q, J.]
05.07.2022

r n s

Internet : Yes.
Index   : Yes / No.

To

1.The Assistant Commissioner of Income Tax,
Circle-I (1),
Coimbatore.

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

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

R. MAHADEVAN, J.

and
MOHAMMED SHAFFIQ, J.

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