IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM :

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR. JUSTICE C.SARAVANAN

T.C.A.Nos.1385 to 1387 of 2010

M/s.ICICI Bank Limited
(Erstwhile Bank of Madura Ltd)
ICICI Bank Towers
93, Santhome High Road,
Chennai 600 028. .. Appellant in all T.C.A.'s

Versus

The Assistant Commissioner of Incometax,
Company Circle (2),
Chennai- 600 034. .. Respondent in all T.C.A.'s

Prayer: Tax Case Appeals filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'A' Bench, Chennai dated 06.06.2008 passed in I.T.A.No.3400/Mds/2004, I.T.A.No.3403/Mds/2004 and I.T.A.No.3404/Mds/2004 respectively.

For Appellant (in all W.A.'s) : Mr.R.Vijayaraghavan for Ms.Subbaraya Aiyar Padmanabha

For Respondent (in all W.A.'s) : Mr.T.Ravikumar Standing Counsel

COMMON JUDGMENT

S.VAIDYANATHAN,J
and
C.SARAVANAN, J

These Appeals have been preferred against the order of the Income Tax Appellate Tribunal, 'A' Bench, Chennai dated 06.06.2008 passed in I.T.A.No.3400/Mds/2004, I.T.A.No.3403/Mds/2004 and I.T.A.No.3404/Mds/2004 respectively.

2. This Court by an order dated 25.11.2011 admitted this Appeal on the following substantial questions of law :-

"1. Whether on the facts and in the circumstances of the case, the Tribunal was right in not admitting the fresh ground of appeal relating to levy of interest u/s.234D?

2. Whether on the facts and in the circumstances of the case, the Tribunal failed to appreciate that the additional ground is purely a legal issue which can be decided on the basis of facts available on record and erred in rejecting the same ignoring the ratio laid down by the Hon'ble Apex Court in the case of National Thermal Power Co.Ltd.[229 ITR 383 (SC)]?

3. Whether on the facts and in the circumstances of the case, the Tribunal was right in law in confirming the disallowance u/s.14A when the proviso debars the Assessing Offier from taking any action under Section 147 in this regard for any assessment year beginning on or before 1st day of April 2001?

3. From the records it is seen that the issue regarding Section 234 D or Section 14 A of the Income Tax Act was not raised either before the Assessing Officer or before the Appellate Commissioner and therefore the Tribunal has rejected the Appeal raised by the Appellant on the question relating to the levy of interest under Section 234D of the Income Tax Act, 1961. Similarly,no issue was flagged by the Appellant on the question of disallowance under Section 14 A of the Act.

In view of the same, we find no merits in these Appeals. Accordingly, these Appeals stands dismissed by answering the substantial question of law against the Appellant and in favour of the Revenue. No costs.

[S.V.N., J.] **[C.S.N., J.]**
18.10.2022

Internet : Yes
Index : Yes / No
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S.VAIDYANATHAN, J.
and
C.SARAVANAN, J.

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To

1.The Income Tax Appellate Tribunal
Chennai 'D' Bench.

2. The Joint Commissioner of Income-Tax,
Central Circle II (1),
121, Nungambakkam High Road,
Chennai- 600 034.

T.C.A.Nos.1385 to 1387 of 2010

Dated : 18.10.2022