IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

T.C.A.No.1135 of 2015

M/s. CRI Pumps (P) Ltd.,
7/46/1, Keeranatham Road,
Saravanampatti,
Coimbatore - 641 035. ... Appellant

Versus

The Joint Commissioner of Income - tax,
Range IV, 63, Race Course Road,
Coimbatore - 641 018. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, Chennai, “B” Bench, dated 28.08.2015 in I.TA.No.578/Mds/2015 Against the order of the Commissioner of Income Tax (Appeals)-1, Coimbatore dated 20/02/2015 Appeal No. 62/14-15 P.A/No-G.I.R.No.AAACC9497/N for the Assessment year 2010-11 and against the order of the Joint Commissioner of Income Tax, Range IV, Coimbatore, dated 18.03.2014 PA/No.AAACC9497N Circle Company Circle IV(2), Status-Coimbatore, Company, for the Assessment Year 2010-2011.

For Appellant : M/s.Surasika Parthasarathy
for Mr.Koushik

For Respondent : Mr.M.Swaminathan,
Senior Standing Counsel
M/s.K.G.Usha Rani,
Junior Standing Counsel

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

This tax case appeal has been filed by the appellant / assessee, challenging the order dated 28.08.2015 passed by the Income Tax Appellate Tribunal, 'B' Bench, Chennai, in I.T.A.No.578/Mds/2015, relating to the assessment year 2010-11.

2.By order dated 08.12.2015, this court admitted the aforesaid tax case appeal on the following substantial question of law:

> “Whether on the facts and in the circumstances of the case the Income Tax Appellate Tribunal is right in law in rejecting the claim of the appellant for additional depreciation?"

3. When the matter was taken up for consideration, the learned counsel appearing for the appellant / assessee submitted that during the pendency of this tax case appeal, 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 15.04.2021 by the Income Tax Department. The learned counsel has also filed a memo to that effect.

4.The aforesaid submission made by the learned counsel for the appellant / assessee has also been fairly conceded by the learned senior 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 matter 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 question of law arisen in this tax case appeal.

6.Therefore, recording the submissions so made by the learned counsel on either side, this appeal stands disposed of, directing the department to process the application at the earliest in accordance with the Act and communicate the decision to the assessee at the earliest. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Bench 'B', Chennai.

2. The Joint Commissioner of Income - tax,
   Range IV, 63, Race Course Road,
   Coimbatore - 641 018.

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

+1cc to Mr.M.Swaminathan, Advocate, S.R.No.9480

T.C.A.No.1135 of 2015

AD(CO)
SB(28/02/2022)