IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

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

T.C.A.No.848 of 2016

Principal Commissioner of Income Tax Central - I
No.108, Mahatma Gandhi Road,
Chennai 600 034. ... Appellant

Versus

M/s. South India Corporation Ltd.,
No.603, Rani Seethai Hall,
Anna Salai, Chennai.
PAN:AAD CS 3193 C ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the common order of the Income Tax Appellate Tribunal, Cochin Bench, dated 17.02.2016 in I.TA.No.230/COCHIN/2015, against the order of Commissioner of Income Tax(Appeals)-1, Kochi, dated 23.02.2015.

1. CIT(Appeals) order in ITA.No.89/R-4/E/CIT(A)-1/13-14 for the A.Y.2011-2012 and arising out of Assessment order of Additional Commissioner of Income Tax, Range-4(1), Kochi, dated 30/01/2014 in PAN.No.AADCS3193C

For Appellant :Mr.J.Narayanasamy
Standing Counsel
For Respondent :Mr.A.S.Sriram
for Mr.S.Sridhar

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

This tax case appeal has been filed by the appellant / Revenue, challenging the common order dated 17.02.2016 passed by the Income Tax Appellate Tribunal, Cochin Bench, Chennai, in I.T.A.No.230/COCHIN/2015, relating to the assessment year 2009 - 10.

2. By order dated 25.01.2017, this court admitted the aforesaid tax case appeal on the following substantial questions of law:

> "(i) Whether, on the facts and in the circumstances of the case and in law, the Appellate Tribunal was correct in remitting the issue of disallowance under section 14A of the Income Tax Act to the file of the Assessing Officer with the directions to re-compute the same in a specific manner which is not in consonance with the provisions contained in Rule 8D of the Income Tax Rules, 1962?
>
> (ii) Whether, on the facts and in the circumstances of the case and in law, the Income Tax Appellate Tribunal is correct in deleting the addition of Rs.7,65,74,554/- made by the Assessing Officer under Section 37 of the Income Tax Act without appreciating the fact that there exists no business expediency in advancing to/ investing in Debentures of M/s.Chettinad International Coal Terminal Pvt. Ltd. and the expenditure was incurred not wholly and exclusively for the purpose of business?"

3.When the matter was taken up for consideration, the learned counsel appearing for the respondent / assessee submitted that during the pendency of this tax case appeal, the assessee has availed the benefit conferred under the Direct Tax Vivad Se Vishwas Act, 2020 and filed necessary declarations, which were accepted and Form 5 / order for full and final settlement of tax arrears, was also issued by the Income tax department, on 07.12.2021. The learned counsel has also filed Form 5 dated 07.12.2021 to that effect.

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

5.In view of the subsequent development, this court is of the opinion that nothing survives for adjudication in this appeal. Recording the submission so made by the learned counsel on either side, the Tax Case Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The Income Tax Appellate Tribunal,
   Cochin Bench, Chennai,

2. Principal Commissioner of Income Tax Central - I
   No.108, Mahatma Gandhi Road,
   Chennai 600 034.

3. The Deputy Commissioner of Income Tax
   Central Circle 3(2),
   Chennai.

4. The Additional commissioner of Income Tax,
   Range-4, Kochi.

5. The Joint Commissioner of Income Tax,
   Range-4, Kochi.

+1cc to Mr.S.Sridhar, Advocate SR.No.35435

T.C.A.No.848 of 2016

SKM(CO)
CB(27/07/2022)