IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM :

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

TCA.No.606 of 2018

M/s. Tamil Nadu Steel Tubes Ltd.,
Mercury Apartments, First Floor,
65, Pantheon Road,
Egmore, Chennai - 600 008. ... Appellant

Vs

The Assistant Commissioner of Income - Tax,
Company Circle III (1), Chennai. ... Respondent

Appeal preferred under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, 'SMC' “C” Bench, Chennai, dated 05.07.2017 in I.TA.No.63/Mds/2016.

For Appellant : Mr.P.R.Shankar

For Respondent : Mr.M.Swaminathan,
Senior Standing Counsel
Mrs.V.Pushpa,
Junior Standing Counsel

JUDGMENT

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

Based on the letter dated 07.03.2022 sent by the learned counsel for the appellant / assessee to the Registry, this appeal is listed today under the caption "for withdrawal".

2.This tax case appeal has been filed by the appellant / assessee, challenging the order dated 05.07.2017 passed by the Income Tax Appellate Tribunal, 'SMC' 'C' Bench, Chennai, in I.T.A.No.63/Mds/2016, relating to the assessment year 1999-2000.

3.By order dated 06.06.2019, this court admitted the aforesaid tax case appeal on the following substantial questions of law:

> "(i) Whether Income Tax Appellate Tribunal is right in allowing proceedings as per Section 68 even though all the particulars are submitted by the assessee?
>
> (ii) Whether the Income Tax Appellate Tribunal is right to allow the assessment even after lapse of 2 years where original assessment was cancelled or set aside under Section 254 (ITAT)?
>
> (iii) Whether on the facts and circumstances of the case, the Tribunal is right in law by accepting a Corrigendum Notice

without issuing a valid notice under Section 148 for the re-assessment?

(iv) Whether on the facts and in the circumstances of the case, the tribunal is right in law by directing the respondent to issue a fresh notice after the expiry of the limitation period of 6 years for re-assessment?

(v) Whether on the facts and circumstances of the case as stated above he Tribunal is right in law to cure the jurisdictional notice under Section 292B even though there is no notice is issued for the Assessment Year 1999-2000?

(vi) Whether the Income Tax Appellate Tribunal is right by accepting the re-assessment order without issuing a valid notice for the re-assessment after 6 years of Limitation?

4.The learned counsel for the appellant submitted that subsequent to the filing of this appeal, the appellant / assessee has availed the benefit conferred under the Direct Tax Vivad Se Vishwas Act, 2020 and remitted the tax due thereon. In support of the same, he has produced a copy of Form 3 dated 07.01.2021 issued by the Income Tax Department and also proof for payment of tax due. Stating so, the learned counsel sought permission of this court to withdraw this appeal.

5.Recording the submissions and the documents so filed on the side of the appellant, this tax case appeal is dismissed as withdrawn. No costs.

(R.M.D., J.) **(J.S.N.P., J.)**
11.03.2022

Index : yes/no
Internet : yes/no
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To
1. The Income Tax Appellate Tribunal,
'SMC' "C" Bench, Chennai,

2. The Assistant Commissioner of Income - Tax,
Company Circle III (1), Chennai.

3.The Commissioner of Income Tax (Appeals)-1
Chennai.

R. MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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