IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

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

Tax Case Appeal No.453 of 2017

VVR Venkatachalam
... Appellant

-Vs-

The Assistant Commissioner of Income Tax,
Business Circle-XIV,
Chennai - 600 034.
... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order dated 15.09.2016 passed by the Income Tax Appellate Tribunal 'C' Bench, Chennai in I.T.(SS) A.No.1/MDS/2016 against the order of the Commissioner of Income Tax (Appeals)-10, Chennai, dated 16.12.2015, made in ITA.No.16/CIT(A)-10/2009-10 preferred against the order of the Joint Commissioner of Income Tax Central Range-IV, Chennai-600 034, dated 15.09.2004 made in PAN No./G-I/No.AADPV2971L/701-V for the assessment year 97-98 to 2003-04.

For Appellant : Mr.S.Sridhar

For Respondent : Mr. Karthik Ranganathan
Standing Counsel

J U D G M E N T
(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 15.09.2016 passed by the Income Tax Appellate Tribunal, 'C' Bench, Chennai, in I.T.(SS) A.No.1/MDS/2016, relating to the Block Period 1997-98 to 2003-04, by raising the following substantial questions of law:-

(i) Whether the Appellate Tribunal is correct in law for reaching their conclusion to sustain the addition of Rs.15,60,000/-representing the cash found and seized from the locker of the appellant in the computation of the undisclosed income for the block period under consideration on account of the non availability of seal/sticker of the banks in the said cash bundles while overlooking the availability of cash balance in the books of accounts?

(ii) Whether the Appellate Tribunal is correct in law for reaching their conclusion in para 4 of the impugned order despite their direction contained in their order dated 17.04.2008 which directions were completely brushed aside proving the perversity in the orders passed while implementing the said order rendered by them in the first round?

2. When the matter was taken up for hearing, the learned counsel for the appellant filed a memo dated 30.10.2021, wherein, it is stated 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 also issued to the assessee on 19.04.2021 by the Income Tax Department. Stating so, the learned counsel submitted that there is nothing surviving for further adjudication and hence, sought permission of this court to withdraw this appeal.

3. Recording the above submissions and the memo filed by the learned counsel for the appellant / assessee, this writ appeal is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

psa/av

To

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

2. The Assistant Commissioner of Income Tax,
Business Circle-XIV,
Chennai - 600 034.

3. The Commissioner of Income Tax (Appeals) - 10,
   Chennai.

4.The Joint Commissioner of Income Tax,
  Central Range-IV, Chennai-600 034.

+1cc to M/s.S.Sridhar, Advocate, S.R.No.34440

Tax Case Appeal No.453 of 2017

PA(CO)
SB(04/07/2022)