IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

T.C.A.No.520 of 2015

M/s.Das Lagerways Wind Turbine Ltd.,
No.79/3, Ezhil Nagar,
Kailasapuram,
Trichy – 620 014. ... Appellant

Vs.

The Assistant Commissioner of Income-Tax,
Company Circle-I (4),
No.121, Mahatma Gandhi Road,
Chennai – 600 034. ... Respondent

Prayer: Appeal under Section 260A of the Income Tax Act, 1961, against the order of the Income Tax Appellate Tribunal, "A" Bench, Chennai dated 04.04.2015 in ITA.No.325/Mds/2011.

For Appellant : Mr.G.Baskar

For Respondent : Mr.Avinash Krishnan Ravi

JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This appeal has been admitted already under the following questions of law:-

> 1. *Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal is right in law in upholding the orders under Section 263 of the Income Tax Act dated 25.11.2010 in relation to assessment year 2001-2002 passed by the Commissioner of Income Tax?*
>
> 2. *Whether, on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal is right in law in upholding the orders under Section 263 of the Income Tax Act dated 25.11.2010 passed by the Commissioner of Income Tax, when there is no error in the orders of re-assessment passed under Section 143(3) read with Section 147 of the Act dated 30.12.2008 and consequently no concurrent satisfaction of the twin statutory conditions prescribed under Section 263 of the Act?"*

2. Mr.G.Baskar, learned counsel appearing for the appellant on instructions has stated that the appellant wants to withdraw this appeal

with the liberty to peruse the appeal already been filed before the Commissioner (Appeals) against the Order of Assessment which has already been passed by the Assessing Authority of course pursuant to the Order passed by the Commissioner in his revisional power under Section 263 of the Act.

3. Recording the said submissions made by the learned counsel appearing for the Appellant, this tax case appeal is dismissed as withdrawn with the aforesaid liberty. The question of law raised in this appeal is kept open to be decided at a later point of time. No cost.

[R.S.K., J.] **[C.S.N., J.]**

22.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

rgm

R.SURESH KUMAR, J.
and
C.SARAVANAN, J.

rgm

To

The Assistant Commissioner of Income-Tax,
Company Circle-I (4),
No.121, Mahatma Gandhi Road,
Chennai – 600 034.

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