IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

Tax Case (Appeal) Nos.1335 and 1336 of 2009

The Commissioner of Wealth Tax,
Chennai. ... Appellant in both Appeals

Vs.

M/s. The Union Co. (Motors) P.Ltd.,
324, Anna Salai,
Chennai - 600 002. ... Respondent in both Appeals

Prayer in T.C.A.No.1335 of 2009: The Tax Case Appeal is filed under Section 27-A of the Wealth Tax Act, 1957, to reverse the order of the Income Tax Appellate Tribunal, Bench "B" Chennai in W.T.A.No.216/Mds/1998, Assessment Years 1990-1991, dated 16.06.2005.

Prayer in T.C.A.No.1336 of 2009: The Tax Case Appeal is filed under Section 27-A of the Wealth Tax Act, 1957, to reverse the order of the Income Tax Appellate Tribunal, Bench "B" Chennai in W.T.A.No.219/Mds/1998, Assessment Years 1991-1992, dated 16.06.2005.

For Appellant : Mr.J.Narayanaswamy

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COMMON JUDGMENT

(Judgment of the Court was delivered by ***S.S. SUNDAR, J.)***

The present Tax Case Appeals have been filed against the order of the Income Tax Appellate Tribunal, Madras "B" Bench, in W.T.A.No.216/Mds/1998, Assessment Years 1990-1991, and W.T.A.No.219/Mds/1998, Assessment Years 1991-1992, dated 16.06.2005, respectively.

2. These appeals have been admitted on the following question of law:-

> ***"Whether in the facts and circumstances of the case, the Tribunal was right in holding that the rent capitalisation method on the basis of actual rent received is to be adopted for valuing the property, and not the value fixed by the DVO on the basis of the current market rents prevailing in that area?"***

3. Today when the matters are taken up for hearing, the learned counsel appearing for the appellant/Department would state that the Company is no longer in existence as the business has been closed. On instructions, it is further represented that the Company has sold all of its assets long back.

4. In such circumstances, there is no useful purpose in answering the substantial question of law. Hence, these Tax Case Appeals are closed, leaving the substantial question of law open. There shall be no order as to costs.

(S.S.S.R., J.)   (C.S.N., J.)
04.02.2025

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To

The Income Tax Appellate Tribunal,
Bench "B" Chennai.

S.S. SUNDAR, J.
and
C. SARAVANAN, J.

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Tax Case (Appeal) Nos.1335 and 1336 of 2009

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