

**आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई**

IN THE INCOME TAX APPELLATE TRIBUNAL

' D' BENCH : CHENNAI

श्री जॉर्ज माथन, न्यायिक सदस्य एवं

श्री रमित कोचर, लेखा सदस्य के समक्ष

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND  
SHRI RAMIT KOCHAR, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A.No.3283/Chny/2019

निर्धारण वर्ष /Assessment year : 2008-09

**M/s.Madura Coats Private  
Limited,**  
7<sup>th</sup> floor,  
Jupiter 2A Prestige Tech Park,  
Marathahalli  
Sarjapur Outer Ring Road,  
Marathahalli,**Bengaluru**  
Karnataka **560 103.**  
**[PAN AABCM 8279 K ]**  
**(अपीलार्थी/Appellant)**

**v.** Joint Commissioner of Income  
Tax,  
Range-I,  
Madurai.

**(प्रत्यर्थी/Respondent)**

अपीलार्थी की ओर से/ Appellant by  
प्रत्यर्थी की ओर से /Respondent by

: Mr.S. P. Chidambaram,Advocate  
: Mr.S.Barath,C.I.T,D.R

सुनवाई की तारीख/Date of Hearing

: 09.06.2020

घोषणा की तारीख /Date of Pronouncement

: 09.06.2020

**आदेश / O R D E R**

**PER RAMIT KOCHAR, ACCOUNTANT MEMBER**

This appeal filed by assessee for assessment year 2008-09 is directed against common appellate order dated 30.09.2019 passed by learned Commissioner of Income Tax (Appeals)-1, Madurai (hereinafter called "the CIT(A)") in ITA No.0027/2012-13, 0488/2014-15 & 489/2014-15 for assessment years (ay) 2008-

09,2002-03 and 2003-04 respectively , but, however for us ay: 2008-09 is relevant, the appellate proceedings before learned CIT(A) had arisen from assessment order dated 09.12.2011 passed by learned Assessing Officer (hereinafter called "the AO") u/s.143(3) r.w.s 144C of the Income-tax Act, 1961 (hereinafter called "the Act"). The appellate proceedings before the Income-Tax Appellate Tribunal, Chennai (hereinafter called "the Tribunal") was conducted on 09.06.2020 via Virtual Court.

2. When the appeal was taken up for hearing before the tribunal through video conferencing, Mr.SP Chidambaram, the Ld. representative for the assessee, drew attention of the Bench to letter dated 18.02.2020 by assessee addressed to the ITAT,D-Bench, Chennai, with copy to Departmental Representative, wherein it was submitted by the assessee that the assessee does not wish to proceed with this appeal filed with tribunal and has sought permission for withdrawal of the assessee's appeal. For the sake of convenience, the assessee's letter dated 18.02.2020 cited above is reproduced as under:-

**"Madura Coats Private Limited**

**Regd Office:** 7th Floor, Jupiter 2A Block, Prestige Technology Park, Sarjapur Marthahalli Ring Road,Bangalore -560 103.

Tel: + 91 -80-41900400/28440615, Fax: + 91-080-28440793/28440798,

Email:coatsindia@coats.com

CIN: U1802KA1974PTC047421

**18 February 2020**

The Income Tax Appellate Tribunal ('ITAT')  
D-Bench, Chennai

Dear Sir,

Assessee	Madura Coats Private Limited (the Appellant)
PAN	AABCMB279K
Assessment Year	2008-09
<b>Subject</b>	<b>Withdrawal of appeal before ITAT</b>
Reference	ITA No. 3283 / CHNY / 2019

We refer the aforementioned appeal for Assessment Year ("AY") 2008-09 filed before the Hon'ble ITAT on 28 November 2019 against the order of the Commissioner of Income Tax (Appeals) ["CIT(A)"] dated 30 September 2019.

In the aforementioned order, the CIT(A) upheld the order of the Transfer Pricing Officer -2, Chennai ("TPO") stating that Comparable Uncontrolled Price method is the most appropriate method for certain transactions during AY 2008-09. The CIT(A) also directed the TPO to re-compute the adjustment after considering those transactions with Associated Enterprises ("AE") where the price of items sold were greater than the price of similar items sold to Non-AEs.

The TPO has passed the order giving effect to the order of the CIT(A) after recomputing the adjustment as directed by the CIT(A). This has resulted in a substantial relief to the Appellant and **the issue in the appeal has become infructuous as the Appellant does not have any further grievance. Accordingly, the Appellant wishes to withdraw the appeal.**

It is therefore prayed that the Hon'ble ITAT may be kindly be pleased to permit the Appellant to withdraw this appeal in ITA No. 3283 / CHNY / 2019 and thereby render justice.

For Madura Coats Private Limited  
Sd/-  
(Authorised Signatory)  
CC: Departmental Representative "

Consequently, the learned Counsel for the assessee submitted that he was instructed to withdraw the appeal of the assessee. Therefore, the Ld. A.R. prayed that the assessee be permitted to withdraw the appeal in ITA no. 3283/Chny/2019 for ay:2008-09.

3. The Ld. CIT-DR has no objection to dismissal of the appeal as withdrawn.

4. We have heard both the rival parties through Video Conferencing and have perused the materials available on record. As the assessee desires to withdraw its appeal bearing No.ITA No.3283/Chny/2019 for assessment year 2008-09, and also has filed necessary letter to that effect executed by assessee itself which is placed on record in file and the learned CIT-DR has no objection to the dismissal of the assessee's appeal as being withdrawn, the Tribunal is of the considered opinion that the appeal filed by the assessee stands dismissed as withdrawn. We order accordingly.

Order pronounced in the open court through video conferencing after conclusion of the hearing on 09th June, 2020, at Chennai.

Sd/-

(जॉर्ज माथन)

**(GEORGE MATHAN)**

**न्यायिक सदस्य/JUDICIAL MEMBER**

Sd/-

(रमित कोचर)

**(RAMIT KOCHAR)**

**लेखा सदस्य /Accountant Member**

चेन्नई/Chennai

दिनांक/Dated: 09<sup>th</sup> June , 2020.

**K S Sundaram**

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant

2. प्रत्यर्थी/Respondent

3. आयकर आयुक्त (अपील)/CIT(A)

4. आयकर आयुक्त/CIT

5. विभागीय प्रतिनिधि/DR

6. गार्ड फाईल/GF