Amk

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1223 OF 2014
WITH
INCOME TAX APPEAL NO. 1224 OF 2014

The Commissioner of Income – TDS .. Appellant
Vs.
M/s. Naman BKC CHS Ltd. .. Respondent.

Mr. Charanjeet Chanderpal a/w Ms. G. Roja Romi for the Appellant.

CORAM : M. S. SANKLECHA AND
A. K. MENON, JJ.
DATE : 19th DECEMBER, 2016.

P. C. :

1. These appeals filed by the Revenue relates to Assessment Year 2009-10 and 2011-12. In both these appeals, the issue which arises for consideration is whether the lumpsum premium paid to MMRDA for lease of land is in the nature of rent as defined in Section 194-I of the Income Tax Act, 1961 and subject to tax deduction at source.

2. Mr. Chanderpal, learned counsel appearing for the appellant-Revenue states that he has been instructed to withdraw the present appeals in view of the CBDT Circular No.35/2016 dated 13th October, 2016.

3. In the above, both the appeals are dismissed as withdrawn. Refund as per rules.

[A.K. MENON, J.] **[M. S. SANKLECHA, J.]**