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

INCOME TAX APPEAL NO. 393 OF 2016
WITH
INCOME TAX APPEAL NO. 398 OF 2016

The Commissioner of Income Tax, TDS-2
Mumbai .. Appellant

v/s.

M/s. Shah Group Builders & Infra Projects Ltd. .. Respondent

Mr. Suresh Kumar for the appellant
None for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.

DATED : 29th NOVEMBER, 2016.

P.C.

1. These appeals by the Revenue challenge the common impugned order dated 4th March, 2015 passed by the Income Tax Appellate Tribunal relating to Assessment Years 2010-11 and 2011-12.

2. The issue arising in both the appeals is with regard to the applicability of the TDS provisions under Section 194-I of the Act in respect of the payment made of premium for acquisition of long term lease.

3. Mr. Suresh Kumar, learned Counsel appearing for the Revenue states that in view of the CBDT Circular No.35 of 2016 dated 13th October, 2016, he has been instructed to withdraw both the appeals.

4. In the above view, both the appeals are dismissed as withdrawn. Refund of Court fees as per Rules.

(A.K. MENON, J.) **(M.S. SANKLECHA, J.)**