

ITA No. 78 of 2002 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ITA No. 78 of 2002 (O&M)

Date of Decision: 11.04.2016

The Commissioner of Income Tax, Bathinda

.....Appellant

Versus

M/s Saraf Electricals Pvt. Ltd.

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. C.S. Singh Advocate for
Mr. G.S. Hooda, Advocate for
for the appellant.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Alok Mittal, Advocate
for the respondent.

RAJESH BINDAL,J.

This appeal has been filed under Section 260 A of the Income Tax Act, 1961 (for short 'the Act'), against the order dated 23.10.2001 passed by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar, in ITA No. 131(ASR)/2001, for the assessment year 1996-97, raising the following substantial question of law:

- (i) Whether the Tribunal was right in holding that there was no difference in making the new transformers as well as repairing of old transformers?
- (ii) Whether the Tribunal was right in allowing deduction u/s 80-HH and 80-I to the assessee company under the given facts and circumstances?

Learned counsel for the appellant-revenue submitted that in view of circular No.21/2015 dated 10.12.2015 read with circular No.279/Misc/M-142/2007-ITJ (Part) dated 8.3.2016, issued by Central Board of Direct Taxes, he does not wish to press the present appeal, as the tax effect involved is less than ₹ 20 lacs. However, he prays that liberty be granted to the revenue to file an application for revival of the appeal in case something survives therein.

Dismissed as not pressed with liberty as prayed for. It is however, clarified that withdrawal of the appeal by the revenue shall not be taken as affirmation of order of the Tribunal on merits. The legal issue as claimed by the revenue is left open to be adjudicated in an appropriate case.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

11.04.2016
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