IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ITA No. 34 of 2000 (O&M)
Decided on : 28.01.2016

Commissioner of Income Tax, Ludhiana. . . . Appellant

Versus

Suraj Kumar Kohli . . . Respondent

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

PRESENT: Mr. Rajesh Katoch, Advocate
for the appellant.

Mr. Salil Kapoor, Advocate and
Mr. Sumit Lalchandani, Advocate
for the respondent.

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AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the respondent submitted that the Assessing Officer while passing the order under Section 158BC(c) read with Section 143 (3) of the Income Tax Act, 1961 (for short 'the Act') for the block period 01.04.1986 to 11.09.1996 had assessed the undisclosed income at ₹11,74,560 and directed charging of tax @ 60% thereon under Section 113 of the Act. It was thus urged that in view thereof, the tax effect is less than ₹20 lacs.

2. This fact, however, could not be controverted by the learned counsel for the appellant and he submitted that keeping in view the circular No. 21/2015, dated 10.12.2015 issued by the C.B.D.T., New Delhi, the present appeal may be dismissed as withdrawn. However, liberty may be granted to the revenue to file an application for revival of the appeal in case something survives therein.

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 Dismissed as withdrawn with liberty as prayed for.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

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

January 28, 2016
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