

-1-

Date of Decision: 11.05.2016

.....Appellant

.....Respondent

Mr. Alok Mittal, Advocate
for the respondent.

This reference has been filed in RA Nos. 156 and 157/Chandi/97 arising out of ITA Nos.1149 and 1150/Chandi/91, for the assessment years 1985-86 and 1987-88, raising the following substantial question of law:

Whether, on the facts and in the circumstances of the case, the ITAT was right in law in holding that after assessment having been framed in the case of the trust as per provision of section 160/161 read with 166 of the Income-tax Act, share of loss from the trust was liable for the set off in the hands of the assessee beneficiaries?.

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 reference

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 reference in case something survives therein.

Dismissed as not pressed with liberty as prayed for. It is however, clarified that withdrawal of the reference 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

11.05.2016
reema