IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA No. 680 of 2005 (O&M)

Date of Decision: 11.04.2016

The Commissioner of Income Tax-I, Chandigarh
.......Appellant

Versus

Shri Subhash Gupta
......Respondent

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

Present: Ms. Urvashi Dhugga, Advocate
for the appellant.

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 11.5.2005 passed by the Income Tax Appellate Tribunal, Chandigarh Bench (A), in ITA No. 527/Chandi/2002, for the assessment year 1990-91, raising the following substantial question of law:

> Whether the Hon'ble Tribunal was legally correct to hold that the benefit of immunity from all penalties was conferred to the assessee under Kar vivad Samadhan Scheme, 1998 including penalty leviable under Section 271 D, when the issue regarding cash loan was not covered under the declaration under Kar Vivad Samadhan Scheme, 1998?

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, she does not wish to press the present appeal, as the tax effect involved is less than ₹ 20 lacs. However, she 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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