

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

ITA No. 679 of 2005 (O&M)

Date of Decision: 11.05.2016

The Commissioner of Income Tax-I, Chandigarh

.....Appellant

Versus

M/s Bhushan Metalics Ltd.

.....Respondent

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

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

Mr. Divya Suri, 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 5.5.2005 passed by the Income Tax Appellate Tribunal, Chandigarh Bench 'A' Chandigarh, in ITA No. 745/Chandi/2001, for the assessment year 1998-99, raising the following substantial question of law:

Whether on the facts and in the circumstances of the case, the Hon'ble ITAT was right in law in confirming the order of the CIT(A) deleting disallowance of interest of Rs.13,12,491/- u/s 36(1) (iii) of the I.T. Act on loan raised for establishment of a new unit which was not a case of expansion of the existing business?

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

11.05.2016
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