IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA No. 179 of 2006 (O&M)

Date of Decision: 11.04.2016

Commissioner of Income Tax, Ludhiana-I, Ludhiana
.......Appellant

Versus

Sh. Surjit Singh Matharoo
......Respondent

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

Present: Mr. Rajesh Katoch, Advocate
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 9.9.2005 passed by the Income Tax Appellate Tribunal, Chandigarh Bench (A), in IT(SS)A No. 28/CHANDI/2002, for the Block period 1.4.1988 to 19.11.1998, raising the following substantial question of law:

> Whether on the facts and law, the Hon'ble Income Tax Appellate Tribunal was legally justified in ignoring the collected material evidence to support the agreement dated 14.8.1997 for payment of on money over and above the apparent consideration?

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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