

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

ITR No. 3 of 2006 (O&M)

Date of Decision: 11.05.2016

Commissioner of Income Tax, Jalandhar

.....Appellant

Versus

Shri Rajan Kumar

.....Respondent

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

**Present: Mr. Vivek Sethi, Advocate
for the appellant.**

RAJESH BINDAL,J.

This reference has been filed in RA No.101/Chandi/96 arising out of I.T.A. No.514/Chandi/91, for the assessment year 1981-82, raising the following substantial question of law:

Whether, on the facts and in the circumstances of the case, the learned Income-tax Appellate Tribunal is right in law in upholding the deletion of penalty under section 271(1)(c) of the Income-tax Act, 1961?

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
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