

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ITA No. 502 of 2008 (O&M)

Date of Decision: 31.03.2016

Commissioner of Income Tax, Hisar

.....Appellant

Versus

Mrs. Pushpa Devi

.....Respondent

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

Present: Mr. Yogesh Putney, 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 17.7.2007 passed by the Income Tax Appellate Tribunal, Delhi Bench (B), in ITA No.1317/DEL/07, for the assessment year 1992-93, raising the following substantial question of law:

Whether on the facts and in the circumstances of the case, the ld. ITAT is right in law in directing to adopt sale-consideration in respect of property No.1637, Urban Estate-II, Hisar at Rs.3,75,000/- in the hands of assessee seller which is contrary to the decision of ld. ITAT Special Bench "B" New Delhi dated 18.08.2006 in the appeal of Shri Mange Ram Mittal, the purchaser, passed in IT (SS) A No.138/Del/1997 where market value of impugned property on the date of sale was directed to be adopted at Rs.12,30,725/-?

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

31.03.2016
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