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

**ITA No. 61 of 2008 (O&M)
Decided on : 19.01.2016**

Commissioner of Income Tax, Faridabad

. . . Appellant

Versus

The Palwal Co-op Sugar Mills Ltd. Palwal

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

PRESENT: Mr. Rajesh Katoch, Advocate for
Mr. Tajinder K.Joshi, Advocate
for the appellant.

Mr.Jagmohan Bansal, Advocate
for the respondent.

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<u>AJAY KUMAR MITTAL, J. (Oral)</u>

Learned counsel for the respondent-assessee submits that the appeal relates to assessment year 1996-97 whereby addition of ₹9,42,645/- on account of annual contributions made to H.S.C.D.F. and ₹5,50,383/- on account of interest on S.D.F. loan paid to Central Govt. under the head 'Cane Development Expenses' have been disputed. It was urged that the total quantum addition under challenge is ₹14,93,028/- and thus, the tax effect thereon would be less than ₹20 lacs.

2. Learned counsel for the revenue is unable to controvert the same. He, however, submitted that in view of the circular No. 21/2015, dated 10.12.2015 issued by the C.B.D.T., New Delhi, he has instructions to withdraw the present appeal. However, liberty may be granted to the revenue to file an application for revival of the appeal in case something survives therein.

3. Dismissed as withdrawn with liberty as prayed for. It is, however, clarified that withdrawal of the appeal by the revenue shall not be taken to be affirmation of order of the Tribunal on merits. Further, the legal issue as claimed by the revenue is being left open to be adjudicated in an appropriate case.

**(AJAY KUMAR MITTAL)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

January 19, 2016
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